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City and County of San Francisco

Residential Rent Stabilization and
Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
January 8, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Executive Session - Govt. Code Section 54956.9(a)
Pending Litigation
- VI. Consideration of Appeals
 - A. 818 Naples St. L001-43A
 - B. 1649 Grove St. L001-29R
 - C. 606 Natoma St. L001-30R
 - D. 1405 Van Ness Ave. #309 L001-31R
- VII. Communications
- VIII. Director's Report
- IX. Consideration of Allegations of Wrongful Evictions
- X. Old Business
- IV. Remarks from the Public (contd.)
- XI. New Business
- XII. Calendar Items
- XIII. Adjournment

0047M (1/2/91)

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, January 8, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

Vice-President McGoldrick called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; McGoldrick;
Rossoff; Schlichtmann;
Stephenson; Villa.
Commissioner not Present: Marshall.
Staff Present: Grubb; O'Hearn.

Commissioner Carrico appeared on the record at 5:40 p.m. President How appeared at 5:49 p.m. Commissioner Hammill left at 7:05 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of December 18, 1990, as
written. (Stephenson/Astle: 5-0)

IV. Executive Session

Pursuant to Government Code Section 54956.9(a), the Commissioners went into Executive Session from 5:39 p.m. until 6:16 p.m. to discuss pending litigation with the Deputy City Attorney.

V. Consideration of Appeals

A. 818 Naples St. L001-43A

The hearing officer granted corresponding rent reductions for decreased services based on a leaking and unsightly kitchen ceiling and lack of access to and use of a storage facility and the backyard. On appeal the landlord argues that (1) the kitchen ceiling had been properly repaired; (2) the written rental agreement in effect "clearly and unambiguously" did not extend the storage facility or the yard to the tenant; and (3) the hearing officer admitted improper testimony. The tenant responds that the kitchen ceiling continues to leak.

MSF: To remand the case to a hearing officer for a hearing on the issues raised on appeal. (Carrico/How: 1-4; Astle; Stephenson; McGoldrick; and How dissenting.)

The motion having failed, the appeal was denied by the Commissioners.

0048M

B. 1649 Grove St.

L001-29R

The hearing officer granted this landlord petition for certification of capital improvements including painting, roofing, foundation and sidewalk repair, electrical work, heating, flooring and pigeon-proofing. On appeal, the tenant argues that the majority of the improvements were maintenance related and therefore not subject to certification for a capital improvement passthrough.

MSC: To deny this appeal. (How/Astle: 5-0)

C. 606 Natoma St.

L001-30R

Due to a malfunctioning tape recorder, a rehearing was scheduled. The tenant's attorney appeared at the rehearing on behalf of the tenant who states on appeal that she was unable to attend the rehearing due to an emergency. The hearing officer found that the landlord proved that (1) he had a written commercial lease for the unit, (2) he only authorized it to be used for storage/auto repair, and (3) he had no personal knowledge of the unit being used as the tenant's residence. In the absence of convincing evidence to the contrary, the hearing officer ruled that the unit was commercial and the rent increase was not prohibited by the Ordinance. On appeal, the tenant argues that the hearing officer's decision fails to consider the tenant's complete testimony supporting her evidence of residential occupancy and the landlord's knowledge of such.

MSC: To deny this appeal. ((Carrico/Astle: 5-0)

D. 1405 Van Ness Ave.

L001-31R

The tenant failed to appear at the hearing and did not file a written excuse for non-appearance prior to the hearing date. The hearing officer therefore dismissed the tenant's petition claiming a decrease in services. On appeal, the tenant, a City College student, states that he was required to attend a pre-final exam scheduled at the same time as the hearing and that he expected to be able to complete the test in time to make it to the hearing, but that it took longer than he anticipated.

MSC: To deny this appeal. (How/Carrico: 5-0)


VI. Communications

The Commissioners received the following communications:

A. A memo from the Executive Director for updated Commissioner phone numbers and addresses to be published by the Mayor's Office.

B. A letter to the tenant of 150 Haight St. #504 in reply to his letter to the Commissioners requesting reconsideration of a capital improvement decision issued in 1989 on the basis of financial hardship.

0048M



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C. A copy of the recent Court of Appeal decision in Balmoral Hotel Tenants Assn. v. James Lee published in the Recorder.

VII. Director's Report

The Executive Director reported on the following matters:

A. A meeting scheduled with the Deputy Mayor to discuss Rent Board cases referred to the District Attorney;

B. Unreinforced Masonry Building ordinances will require an Environmental Impact Report before being considered by the Board of Supervisors.

C. 7 pages of agreements have been drafted to date by the Tenant Inconvenience Plan Agreement Committee.

D. Rent Board staff counselor Carmen Herrera will be appearing on Supervisor Gonzalez radio program (1010 AM) this Sunday.

E. Temporary staff counselors have been hired and began working on January 2nd.

VII. Old Business

A. Vice-President McGoldrick inquired about the status of revisions to the Board's appeal form to include specific information and documentation if hardship is raised. Following discussion after objections were raised by Commissioner Astle, it was the consensus of the Commissioners not to revise the present appeal form.

B. Commissioner Carrico inquired about the status of a Rent Board form for landlords and tenants to use in compliance with Rules and Regulations Section 6.14 - agreements to pay additional rent for change of tenants. Following discussion after objections were raised by Commissioner Astle, there was no agreement among the Commissioners to provide such a form from the Rent Board.

VIII. Remarks from the Public

Al Goodwin commented on the Commissioners' discussion of revisions to the appeal form concerning hardship claims.

IX. Calendar Items

January 15, 1991

2 appeal considerations

5:45--Appeal Hearing: 125 Margaret Ave. L001-42A (accpt. 12/18/90)

January 22, 1991

6 appeal considerations

Page 4 of the Minutes of January 8, 1991

January 29, 1991

6 appeal considerations

February 19, 1991 - NO MEETING.

X. Adjournment

Vice-president McGoldrick adjourned the meeting at 7:23 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, January 15, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

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I. Call to Order

President How called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Astle; How; Marshall; Rossoff;
Schlichtmann; Villa.
Commissioners not Present: Hammill; McGoldrick; Stephenson.
Staff Present: Grubb; Wicks.

Commissioner Carrico appeared on the record at 5:44 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 8, 1991, as written.
(Astle/Rossoff: 4-0)

IV. Remarks from the Public

Al Goodwin commented on the need for the Commissioners to prepare a sample agreement for Rules and Regulations Section 6.14 concerning additional rent for change of tenants.

V. Consideration of Appeals

A. 346 Leavenworth St. #202 L001-44A

The tenant prevailed in part on a petition concerning decreased services but did not carry his burden of proof concerning failure to maintain and repair. The hearing officer also found an improper rent increase which was declared null and void. On appeal the landlords contend that the rent was improperly raised and services reduced under prior ownership and that the current owners should not be held responsible for acts performed before they purchased the building.

MSC: To uphold the hearing officer and deny the appeal.
(Marshall/Rossoff: 4-0)

B. 810 Gonzales Dr. #6K L001-45A

The landlord appealed the hearing officer's decision finding that rental of a garage was a housing service limited to the same annual

increase as the residential unit, thereby nullifying an 80% increase for the garage. On appeal the landlord argued that the garage was rented at a different time than the apartment and therefore should not be governed by the same rent increase limitations.

MSC: To uphold the hearing officer and deny the appeal.
(Astle/Marshall: 4-0)

VI. Director's Report

A. Executive Director Joe Grubb reported on the training session presented by the American Arbitration Association for the staff hearing officers;

B. The Deputy City Attorney assigned to handle the Board's proposed Ordinance changes has revised the proposals and is forwarding them to the Board of Supervisors;

C. The Executive Director gave a presentation to the Prudential Real Estate firm, and Counselor Carmen Herrera participated in a radio talk show on rent issues hosted by Supervisor Gonzalez;

D. The Rent Board has been writing various community groups, offering to have a staff member speak on issues concerning the Rent Ordinance.

VII. Appeal Hearing

125 Margaret Ave.

L001-42A

The landlord's appeal had been accepted by the Board on the issue of financial hardship only. Pursuant to a tenant petition for improper rent increase and decreased services, the hearing officer had found increases totalling \$5,589.20 to be null and void; she further found decreased services totalling \$160.00 for lack of useable front and rear stairs for a two-month period. On appeal the landlord argued that expenses connected with serious health problems would make payment of the rent overcharges an extreme financial hardship.

After accepting testimony and evidence, the Commissioners voted as follows:

MSC: To find financial hardship. (Astle/Marshall: 4-0)

MSC: The rent payment due from the tenants will be \$500.00 per month until the remainder of the overpayments has been realized. Effective March 1, 1991, the landlord is entitled to an increase of 16% (\$144.00) upon proper notice: 12% banked increases and 4% for the 1991-92 annual increase. (Astle/Carrico: 4-0)

VIII. Calendar Items

January 22, 1991

6 appeal considerations

January 29, 1991

6 appeal considerations

February 19, 1991

NO MEETING

IX. Adjournment

President How adjourned the meeting at 6:24 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

January 22, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Executive Session - Govt. Code Section 54956.9(a)
Pending Litigation
- VI. Consideration of Appeals
 - A. 1010 Bush St. #105 L001-32R
 - B. 2444 Great Hwy. #4 L001-33R
 - C. 2380 California St. #502 L001-34R
 - D. 755 & 795 Burnett St. L001-35R through L001-40R
 - E. 3346 - 22nd St. #B L001-43A
 - F. 117 Lexington St. #1 L001-41R
- VII. Communications
- VIII. Director's Report
- IX. Consideration of Allegations of Wrongful Evictions
- X. Old Business
- IV. Remarks from the Public (cont.)
- XI. New Business
- XII. Calendar Items
- XIII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, January 22, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Marshall;
Schlichtmann; Stephenson; Villa.
Commissioner not Present: McGoldrick.
Staff Present: Grubb; O'Hearn.

Commissioner Carrico appeared on the record at 5:39 p.m. and left at 6:46 p.m. Commissioner Rossoff appeared at 5:46 p.m. Commissioner Marshall left at 6:16 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 15, 1991, as
written. (Astle/Marshall: 4-0)

IV. Remarks from the Public

John Kelly spoke about the need to file late appeals without specific good cause.

V. Consideration of Appeals

A. 1010 Bush St. #105 L001-32R

At a remand hearing involving excessive rent increases, the landlord presented a previously undisclosed document regarding modification of tenant's rent payment schedule. As a result, the hearing officer found no unlawful rent increases. On appeal, the tenant argues that the hearing officer made an error in calculation with respect to a notice to pay rent or quit dated April 1985 and claims that the landlord did in fact overcharge her in rent in 1985. The hearing officer points out that the settlement agreement signed by both parties in June 1985 and submitted at the remand hearing is more reliable than the previous notice from the landlord.

MSC: To deny the appeal. (Astle/Hammill: 4-0)

0052M

B. 2448 Great Hwy. #4

L001-33R

Due to the tenants' failure to appear at the hearing or file a written excuse for non-appearance, the hearing officer dismissed the tenant's petition alleging a decrease in services, failure to repair and maintain and unlawful rent increase. On appeal, the tenant claims to have sent the Rent Board written notice before the hearing to "drop the hearing" because the landlord threatened to evict him for violating RAP income guidelines if he pursued the petition.

MSC: To accept the appeal and remand the case to a hearing officer for a hearing. (Marshall/Astle: 5-0)

C. 2380 California St. #502 L001-34R

The tenant, whose postponement request was denied, did not appear at the hearing and failed to submit written comments to the hearing officer until more than 6 weeks after the record closed, on the date the decision was being mailed. His request at that time to reopen the record or reconvene the hearing was untimely and therefore denied. Due to the landlord's increased operating expenses, the hearing officer granted a 7% rent increase in addition to the 4% annual increase.

On appeal, the tenant claims that (1) his right to due process was violated by the hearing officer, (2) the landlord made false statements regarding cost comparisons which were factored into the decision, (3) the landlord failed to provide basic services, and (4) the increase violates the spirit of the tax code.

MSC: To remand the case to the same hearing officer for a hearing limited to the tenant's response to the landlord's petition. (Carrico/Astle: 5-0)

D. 775 & 795 Burnett Ave. L001-35R through L001-40R

The hearing officer granted this landlord petition for certification of capital improvements and denied a tenant petition alleging a decrease in services. In appealing the denial of the tenant petition, the tenant of unit #9 argues that he experienced a decrease in services despite repairs for which he had been assessed an earlier capital improvement passthrough. In a joint appeal concerning the capital improvement decision, 5 of 20 tenants argue that (1) the landlord failed to discontinue a previous capital improvement passthrough at the end of the amortization period, and (2) the hearing officer erred in allowing imputed interest on the capital improvement costs.

MSC: To deny the appeals. (Carrico/Astle: 5-0)

E. 3346 - 22nd St.

L001-46A

The hearing officer granted corresponding rent reductions for decreased services and failure to repair and maintain based on a leaking living room ceiling and the resulting damage and for the loss of a secured rear stairway. The landlord filed a late appeal which appears
0052M

justified based on the re-mailing of the decision. On appeal the landlord claims that he now has evidence demonstrating that the tenant prevented his attempts to repair the damaged unit. In response, the tenant states that the landlord's allegations are false.

MSC: To find good cause for the lateness of the appeal based on the information presented by staff.
(Astle/Marshall: 5-0)

MSC: To deny the appeal. (Marshall/Hammill: 5-0)

F. 117 Lexington St. #1 L001-41R

The hearing officer granted corresponding rent reductions for decreased services based on water damage to bathroom ceiling, wall cracks and a faulty bedroom light fixture. On appeal, the tenant alleges that the hearing officer unnerved her so that she could not properly defend herself or present evidence in support of her petition. She also argues that the inconvenience caused by a faulty door buzzer system was worth greater value than permitted by the hearing officer.

MSC: To deny the appeal. (Astle/Hammill: 5-0)

VI. Communications

A. The Commissioners received copies of two prior 1984 Rent Board decisions providing that the charge for garages shall become part of the base rent even if rented after the commencement of the tenancy.

B. President How circulated correspondence she received from the Mayor concerning the Mayor's Fiscal Advisory Committee and its upcoming activities.

VII. Director's Report

A. The Executive Director reported that the Mayor recently met with the Unreinforced Masonry Buildings Task Force and requested the task force to develop language for a bond proposition to aid residential and commercial tenants and property owners.

B. He also reported that water penalty legislation would be before the Board of Supervisors Economic and Social Policy Committee meeting on January 23, 1991.

VIII. Old Business

Commissioner Astle reported that Supervisor Hallinan would bring the Rent Board legislation to amend the Rent Ordinance before the Board of Supervisors Economic and Social Policy Committee if Supervisor Britt's office was unable to do so.

IX. New Business

A. The Commissioners scheduled the election of officers for the meeting of February 5, 1991 with nominations to be made at the meeting of January 29, 1991.

B. The Commissioners requested that the Hearing Officers propose language for draft rules regarding postponement requests to be considered at the meeting of February 5, 1991.

C. The Commissioners discussed the requirement of landlords to provide rent history information with their petition for proposed rent increases.

D. Commissioner Stephenson reported that Acting Mayor Ward signed legislation requiring a minimum of 25% ownership interest in a property in order to evict for owner occupancy.

E. The Executive-Director reported that the Planning Department has proposed requiring replacement affordable rental units in demolished properties be subject to the Rent Ordinance.

X. Calendar Items

January 29, 1991

5 appeal considerations (including 2 consolidated)
New Business: Nomination of Board Officers

February 5, 1991

2 appeal considerations
New Business: Election of Board Officers

February 19, 1991 - NO MEETING

XI. Adjournment

President How adjourned the meeting at 7:18 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.
January 29, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

I. Call to Order

DOCUMENTS DEPT.

II. Roll Call

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III. Approval of the Minutes

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IV. Remarks from the Public

V. Executive Session - Govt. Code Section 54956.9(a)

Pending Litigation

VI. Consideration of Appeals

A.	345 Fulton St.	L001-43R
B.	760 Northpoint St. #101 & #1	L001-44R & L001-45R
C.	997 Steiner St.	L001-47A
D.	118-A - 27th St.	L001-48A
E.	1239 Willard St.	L002-42R

VII. Communications

VIII. Director's Report

IX. Consideration of Allegations of Wrongful Evictions

X. Old Business

IV. Remarks from the Public (cont.)

XI. New Business

Nomination of Rent Board officers

XII. Calendar Items

XIII. Adjournment

0053M



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, January 29, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Marshall;
McGoldrick; Schlichtmann;
Stephenson; Villa.

Commissioner not Present: Carrico.

Staff Present: Grubb; Dolan.

Commissioner Rossoff appeared at 5:37 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 22, 1991, as
written. (Marshall/Hammill: 4-0)

IV. Executive Session

Pursuant to Government Code Sections 54956.9(a) and 54957, the Board met in Executive Session from 5:40 to 6:10 p.m. in order to discuss pending litigation and personnel matters.

V. Consideration of Appeals

A. 345 Fulton St. #54 L001-43R

After a decision issued from hearing at which only the tenant appeared, the landlord successfully appealed the granting of the tenant's petition on the basis of the landlord's non-receipt of the notice of hearing. At the remand hearing, the tenant neither appeared nor filed a written excuse for non-appearance at the hearing. As a result, the tenant's original petition was dismissed with prejudice. The tenant now appeals the dismissal on the basis that she did not appear at the remand hearing because the landlord's attorney agreed to abide by the original decision if the tenant moved out before the remand hearing. The tenant did so and the landlord then refused to abide by the agreement.

MSC: To remand the case for further hearing.
(Marshall/Astle: 5-0)

B. 760 Northpoint #1 & #101 L001-44R and L001-45R

The hearing officer granted the landlord's petition for a rent increase over the allowable limitations based on increased operating and maintenance costs. Two of the affected tenants appeal on the basis of fairness and hardship and, in the case of the tenants of unit #101, on the basis that the tenants submitted documentation which was not considered or incorporated in the decision.

MSC: To accept the appeals on the issue of hardship only.
(McGoldrick/Astle: 5-0)

C. 997 Steiner St. L001-47A

The landlords appeal from that portion of the capital improvement decision concerning a null and void rent increase. The finding is based on documentation submitted by the landlords with their petition. In their appeal, the landlords seek to explain the entry and request a revised finding.

MSC: To remand the case to the same hearing officer for a hearing on evidence submitted on appeal.
(Rossoff/Marshall: 5-0)

D. 118-A - 27th St.
L001-48A

The hearing officer granted this tenant petition which alleged unlawful rent increases, after a hearing at which both parties appeared and were represented by counsel. The landlord appeals on the following bases:

- 1) the hearing officer refused to continue the hearing although the landlord had been under medication for two weeks.
- 2) the hearing officer refused to consider all evidence, including a reply brief;
- 3) the Rent Board lacks jurisdiction to consider any other matters except rent overcharges for the past three years;
- 4) abuse of discretion on the part of the hearing officer;
- 5) the landlord moved out of the cottage in the rear of the four-unit building in January 1990, and thus decontrolled the building.

MSC: To deny the appeal. (Marshall/McGoldrick: 4-1,
Rossoff dissenting)

E. 1239 Willard St. L001-42R

The hearing officer granted a landlord petition for certification of capital improvements to be passed through to the tenants of one unit, finding that the tenants were notified of the pending increase on May 21, 1990, to take effect on July 1, 1990. The tenants appeal on the basis that, since there were two postponements at the request of the landlords, the amount to be paid with the tenants' "next" rental payment now represents an unreasonable burden within the stated time-frame. The appeal requests a restructuring of the schedule of retroactive payments.

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MSC: To continue the consideration for 2 weeks.
(Astle/McGoldrick: 5-0)

VI. Communications

A. The Commissioners received a memorandum from the Mayor regarding a state-mandated program on injury and illness prevention, requesting that each department send a representative to the scheduled workshop.

B. The Commissioners received correspondence from the Supervisor of the Rent Board Eviction Unit, the Union Shop Steward and a Counselor regarding various personnel issues. The Commissioners question why all correspondence to the Commission is labeled "confidential" when copies were sent to numerous other persons and entities without the confidential annotation.

C. Each Commissioner received draft agreement #2 from the Tenant Inconvenience Plan Agreement Committee.

VII. Director's Report

A. The Executive Director reported that he attended the Board of Supervisors' Economic and Social Policy Committee meeting on water penalty legislation on January 23, 1991. Supervisor Carol Migden plans to meet with the Water Department to discuss alternative measures.

B. He also reported that consent to release Rent Board reserves (to pay City Attorney fees billed to the Rent Board) is an item before the Board of Supervisors' Finance Committee on January 30, 1991.

C. A meeting of Commissioners, the Executive Director and District Attorney Arlo Smith is scheduled for Thursday, February 7 at 9:30 a.m. to discuss referral of Rent Board cases to the District Attorney's office.

VIII. Remarks from the Public

Al Goodwin complained that, in his opinion, the landlords' representatives on the Commission do not vigorously represent or advocate the positions of their constituency.

IX. New Business

A. The Commissioners nominated Commissioner Ruth Astle for president and Commissioner Vivian Hammill for vice-president and scheduled the election of officers for the meeting of February 5, 1991.

B. The Commissioners decided to form a personnel committee which will meet prior to adjournment at the next meeting.

C. The Commissioners request clarification from the Rent Board staff as to counting total units where there is more than one multi-unit building on the same lot.

X. Calendar Items

February 5, 1991

2 appeal considerations

New Business: Election of Board Officers

February 12, 1991

4 appeal considerations

Appeal hearing: 760 North Point #1 and #101 (accepted 1/29/91)

February 19, 1991 - NO MEETING

XI. Adjournment

President How adjourned the meeting at 7:16 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

February 5, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 330 Scott St. #1
 - B. 583 - 33rd Ave.
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
 - Election of Rent Board Officers
- XI. Calendar Items
- XII. Executive Session - Govt. Code Section 54957
 - Personnel Matters
- XIII. Adjournment

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L001-49A
L001-46R & L001-50A

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARDTuesday, February 5, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President How called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present:	Hammill; How; Rossoff;
Commissioner not Present:	Schlichtmann; Stephenson.
Staff Present:	McGoldrick; Villa.
	Grubb; O'Hearn.

Commissioner Astle appeared at 5:42 p.m. Commissioner Carrico appeared at 5:46 p.m. Commissioner Marshall appeared at 6:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 29, 1991, as corrected by staff to refer to staff without names when describing correspondence under item VI. B. (Hammill/Schlichtmann: 5-0)

IV. Consideration of Appeals

A. 330 Scott St. #1 L001-49A

The landlords, who purchased the property in July 1990, appeal the Hearing Officer's Decision concerning unlawful increases collected since March 1987. They contend that the amount is excessive and only their pro-rata share should be assessed to them. In a response to the appeal submitted the day of the Board meeting, the former owner alleged that he occupied the basement flat of this 3-unit building until selling the property in 1989.

MSW: To deny the appeal. (Stephenson/Hammill)

MSC: To remand the case to the hearing officer only on the issue of jurisdiction (during periods of alleged owner occupancy). (Schlichtmann/Rossoff: 5-0)

B. 583 - 33rd Ave. L001-46R & L001-50A

The tenant filed a timely appeal (1) contesting the Hearing Officer's finding that the landlords alleged others were bathing in the apartment and (2) arguing that the rent reduction granted for kitchen ceiling leak should extend prior to the October 1990 date established by the Hearing Officer because the problem has been ongoing for the past 5 years.

The landlords filed an untimely appeal stating that the mailing of the decision from San Francisco to Sacramento took 10 days allegedly preventing them from filing an appeal within 15 days. They dispute the rent reduction granted to correspond with carbon monoxide seepage into the tenant's unit.

MSC: To deny both appeals. (Rossoff/Hamill: 5-0)

V. Communications

The Commissioners received the following communications:

A. A memo from the staff Shop Steward, as well as copies of personnel correspondence to the Executive Director.

B. Ordinance No. 30-91 amending Rent Ordinance Section 37.9(a)(8) to require 25% ownership interest for owner/relative occupancy evictions by new owners.

C. The Decision on Appeal for 125 Margaret Ave. [L001-42A] heard on January 15, 1991, which was approved and signed.

VI. Director's Report

A. The Executive Director reported that the Finance Committee approved the transfer to release funds previously budgeted for City Attorney work.

B. The Executive Director reported that the Board of Supervisors Committee on Social and Economic Policy again will consider water penalty passthrough legislation on February 12, 1991.

C. The Deputy Director reported that the Superior Court denied a challenge against the Rent Board's decision concerning 295 Guerrero St. [Appeal No. K002-11A denied on July 31, 1990]. She also reported that the parties in the Flowers class action case were in settlement negotiations following the Tentative Decision of the Superior Court.

D. The Deputy Director reported on the hearing schedule, noting that 38 cases filed in January and 2 remands had yet to be scheduled.

E. The Commissioners requested eviction information from staff which they could use in their meeting with District Attorney Arlo Smith on February 7, 1991.

F. The Deputy Director reported that she is working with the Hearing Officers on draft language for amendments to the Rules and Regulations on hearing postponement requests.

VII. Remarks from the Public

The Rent Board staff union Shop Steward made remarks on the confidentiality of certain personnel memos copied to the Commissioners.

VIII. New Business
0056M

Election of Officers

On motion made by Commissioner Stephenson and seconded, the the nominees, Ruth Astle and Vivian Hammill, were elected by acclamation.

IX. Calendar Items

February 12, 1991

5 appeal considerations (including 1 cont. from 1/29/91)

Appeal hearing: 760 North Point #1 and #101 (accepted 1/29/91)

February 19, 1991 - NO MEETING

February 26, 1991

5 appeal considerations

X. Executive Session

Pursuant to Government Code Sections 54957, the Board met in Executive Session from 6:15 to 6:35 p.m. in order to discuss personnel matters. It was the consensus that a personnel committee composed of Commissioners Hammill, How and Schlichtmann be formed and that other committees be formed as needed.

XI. Adjournment

President How adjourned the meeting at 6:40 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, February 12, 1991 at 5:30 p.m. DOCUMENT
25 Van Ness Avenue, Suite 70, Lower Level

***** FEB 26 1991

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I. Call to Order

Vice-president Hammill called the meeting to order at 5:37 p.m.

II. Roll Call

Commissioners Present: Carrico; Hammill; How; Marshall;
McGoldrick; Rossoff; Villa
Commissioner not Present: Schlichtmann.
Staff Present: Grubb; Wicks.

Commissioner Stephenson appeared on the record at 5:38 p.m. and
Commissioner Astle appeared at 5:53 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 5, 1991, as
written. (Carrico/How: 4-0)

IV. Consideration of Appeals

A. 1239 Willard St. L001-42R (cont. from 1/29/91)

The hearing officer granted a landlord petition for certification of capital improvements to be passed through to the tenants of one unit, finding that the tenants were notified of the pending increase on May 21, 1990, to take effect on July 1, 1990. The tenants appeal on the basis that, since there were two postponements at the request of the landlords, the amount to be paid with the tenants' "next" rental payment now represents an unreasonable burden within the stated time-frame. The appeal requests a restructuring of the schedule of retroactive payments. The parties were given two weeks to try to settle the matter, but no settlement was reached.

MSC: To uphold the hearing officer and deny the appeal.
(McGoldrick/Carrico: 4-0)

B. 3525 Anza St. #8 L001-47R

The tenant appealed the hearing officer's ruling on his claim of decreased services for failure of the landlords to provide adequate common area lighting. The hearing officer found that the landlords immediately took steps to correct the problem when informed of improper setting of the light timer. On appeal the tenant contends that he

should still receive a reduction because the lights are set to go off at 5:00 a.m., earlier than he believes the code requires.

MSC: To uphold the hearing officer and deny the appeal.
(How/McGoldrick: 4-0)

C. 10 - 10th Avenue. #3 L001-51A

The hearing officer ruled on the landlord's petition for certification of capital improvements and two tenant petitions, one for improper rent increase, and one for decreased services and improper rent increases. Documentation in the file suggests that no notice was sent for the second tenant petition, which was received shortly before the hearing. The capital improvements were certified, as modified. Improper rent increases were found for both tenants, with resulting overpayments of approximately \$11,000 and \$10,000. A minor service reduction was granted if the landlord did not provide the service within a month of receipt of the decision. On appeal the landlord challenged the ruling on the petition for which she received no notice and questioned the legality of the rent refunds, stating that repaying them would cause her financial hardship.

MSC: To accept the appeal for a Board hearing on the issue of landlord hardship and the due process issue for unit #3, with a review of the rent increase history.
(Marshall/McGoldrick: 5-0)

D. 537 Valencia St. #2 L001-52A

The hearing officer found that all rent increases between 1986 and 1989 were above allowable limits and found these increases to be null and void, with a resulting overpayment of approximately \$3,600. Because neither party could document the rent increase history before 1985, the hearing officer found the rent at that time to be the proper base rent. On appeal the landlord questioned the hearing officer's calculations and also stated that the rent had been more than the allowable amount because of an agreement with the tenant to charge for capital improvements.

MSC: To remand the case to the hearing officer on the issue of the January 23, 1986 increase and for specific findings as to whether or not there is evidence that the 8% at that time was an allowable increase. If there is no evidence that it was an illegal increase, the 8% must be allowed. (McGoldrick/Marshall: 4-0)

E. 2699 Bryant St. L001-48R

The landlord petitioned for certification of capital improvement work including roof replacement and earthquake repair. The tenants objected to certification of some of the costs on the basis that repairs were not done well, that nonstructural work--which should be repair work--was needed before the earthquake, and that more pressing
0060M

repair needs were ignored. The hearing officer certified the improvements, suggesting other remedies for the tenants. On appeal one tenant argued that his unit had no heat.

MSC: To uphold the hearing officer and deny the appeal.
(Carrico/McGoldrick: 5-0)

V. Remarks from the Public

One tenant from 10 - 10th Avenue asked a question about the upcoming appeal hearing.

VI. Appeal Hearing

760 Northpoint St. #1 & #101 L001-44R & L001-45R

The hearing officer granted the landlord's petition for a rent increase over the allowable limitations based on increased operating and maintenance costs. The Commissioners accepted the two tenant appeals on the issue of financial hardship only.

The tenants testified and presented evidence of their financial situations. Each had previously had adjustments to a capital improvement increase because of hardship; they testified, individually, that their respective incomes had decreased an additional 10%. After considering the testimony and evidence, they Board voted as follows:

MSC: To certify the increases for the units but defer the increase for these two tenants. At the time of the next annual rent increase, the tenants must inform the owner in writing of any change in their financial circumstances. (Astle/Marshall: 5-0)

VII. Communications

The Commissioners received a newspaper article concerning Commissioner McGoldrick.

VIII. Director's Report

The Executive Director discussed the following topics:

A. The meeting with the District Attorney and his associates was very productive. They will work with the Rent Board to pursue wrongful eviction referrals and take any appropriate legal action warranted;

B. The Board of Supervisors is considering a bill for sharing the costs of water penalties between landlords and tenants;

C. Because of City budgetary constraints, only mandatory increases will be approved for City departments.

IX. Consideration of Allegations of Wrongful Eviction

Staff Report:

A. 3582 - 20th St.

L001-81E

EVALUATION: There is sufficient evidence to indicate that the landlords did not know they had to let previous tenants back in after repairs following a fire in August 1989 and that they were displeased with the aggressive stance the tenants took in protecting their right of reoccupancy. The timing of notices of intent to increase rents, followed by the tenants' reiteration of their intent to reoccupy, followed by termination for the landlord's daughter suggests more than mere relative occupancy was the motivation. The landlords did not feel they were getting enough money from the subject tenants. Further, the landlord's attorney failed to issue a new notice of right to reoccupy--once that offer could finally be made--and prematurely issued a 3-day notice for nonpayment.

RECOMMENDATION: To consider further legal action. To write the landlords' attorney cautioning him about following the notice requirements of Board Rules and informing him of the problem in demanding rent 45 days before any rent is technically due.

B. 1304 - 18th St. #2

L001-53E

EVALUATION: The landlords have failed to prove that the dominant motive for the termination is an owner's legitimate need to move in. The timing of the notice, coming soon after the landlord expressed his anger at being "forced" to accept the subtenancy, and the failure to assert the owner's alleged urgent need to vacate his marital home, despite requests for four months for an explanation, suggests other motivation.

RECOMMENDATION: To take further legal action. To monitor the court case.

MSC: To refer both cases to the District Attorney for investigation and possible prosecution.
(McGoldrick/Astle: 5-0)

X. Old Business

A. Commissioners Rossoff, Astle, and Schlichtmann will continue to provide support on all eviction matters requiring District Attorney involvement.

B. Commissioner McGoldrick will chair the outreach committee along with Commissioners Villa, Carrico, and Stephenson as the other committee members.

C. All Board committees will have to calendar their meetings on an agenda for Brown Act purposes.

0060M

XI. New Business

A. The annual increase for 1991-92 will be set March 1, 1991, since calculations are made on the year ending February 28, 1991;

B. The Commissioners would like to have staff draft wording for two new Rules, one for the 25% ownership requirement for owner/relative eviction effective February 22, 1991; and one concerning certification of on-going financial hardship status.

XII. Calendar Items

February 19, 1991 - NO MEETING

February 26, 1991

6 appeal considerations

Executive Session--Personnel Matters

March 5, 1991

1 appeal consideration

6:00- Appeal Hearing: 10 - 10th Avenue L001-51A (accpt. 2/12/91)

XIII. Executive Session

The Board went into Executive Session pursuant to Government Code Section 54957 to discuss personnel matters.

XIV. Adjournment

Vice-president Hammill adjourned the meeting at 8:12 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

February 26, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Executive Session - Govt. Code Section 54956.9(a)

Pending Litigation

VI. Consideration of Appeals

A.	1921 Lake St.	L001-57A
B.	460 Duboce St. #3	L001-53A
C.	2999 Pacific Ave. #5	L001-54A
D.	1332 Dolores St. #5	L001-49R
E.	1278 Jackson St.	L001-56A
F.	2335 Pacific Ave. #502	L001-55A

VII. Communications

VIII. Director's Report

IX. Consideration of Allegations of Wrongful Evictions

X. Old Business

IV. Remarks from the Public (cont.)

XI. New Business

XII. Calendar Items

XIII. Executive Session - Govt. Code Section 54957

Personnel Matters

XIV. Adjournment

0059M (2/21/91)

DOCUMENTS DEPT.

FEB 26 1991

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, February 26, 1991, at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

DOCUMENTS - 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

MAR 6 - 1991

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I. Call to Order

President Astle called the meeting to order at 5:41 p.m.

II. Roll Call

Commissioners Present:

Astle; Carrico; Hammill; How;
Marshall; McGoldrick;
Schlichtmann; Villa.

Commissioners not Present:

Rossoff; Stephenson.

Staff Present:

O'Hearn; Dolan.

III. Approval of the Minutes

MSC: To approve the Minutes of February 12, 1991, as corrected on page 5 to reflect that Commissioners Astle, Hammill, How and McGoldrick went into Executive Session at 7:12 p.m. and on page 1 to reflect that Commissioners Carrico, Stephenson, Marshall and Villa left the meeting at 7:12 p.m. (McGoldrick/Marshall 5-0)

IV. Executive Session

The Board went into Executive Session pursuant to Government Code Section 54956.9(a) from 6:00 - 6:15 p.m. to discuss pending litigation with the Deputy City Attorney.

V. Consideration of Appeals

A. 1921 Lake St.

L001-57A

The hearing officer certified capital improvements and found that (1) the landlord is liable to the tenants in units 1, 3, & 4 for unlawful rent overpayments since 1985; and (2) the tenants are entitled to refunds of the proposed capital improvement passthrough which they have been paying since September 1990. On appeal, the landlord states that the hearing officer failed to mention in the decision that the landlord was under the impression that he had properly notified his tenants of the current proposed rent increase, having submitted a copy of the increase notice to the hearing officer.

MSC: To accept the appeal for Board hearing only on the issue of whether the rent overpayments may be considered *de minimus*. (Carrico/How: 5-0)

B. 460 Duboce St.

L001-53A

The hearing officer granted this landlord petition for capital improvements including a new roof and other items. On appeal, the landlord challenges the estimator's determination that the reasonable cost of the roof was \$147.00 less than the actual cost, an issue to which the landlord did not object at the time of the hearing.

MSC: To deny the appeal. (Marshall/Astle: 5-0)

C. 2999 Pacific Ave. #5

L001-54A

The hearing officer granted a rent reduction for lack of heat during July and August. On appeal, the landlord argues that (1) attempts were made to professionally correct the situation but, after thorough inspection, no problem could be identified by the regular maintenance service and according to them, the building's heating system was functioning properly; (2) the maintenance service alleges that they unsuccessfully attempted to contact the tenant petitioner to inspect the radiator in her unit; (3) no other tenant in the six unit building complained of a lack of heat during this time period; and (4) there was no reduction in the PG&E utility bill for this period to indicate reduced service.

MSC: To deny the appeal. (Marshall/McGoldrick: 4-1;
Carrico dissenting)

D. 1332 Dolores St. #5

L001-24A

Following a remand hearing involving one specific excessive rent increase, the original decision was modified as a result of newly submitted evidence to find that the rent increase in 1985 was permitted. On appeal, at the suggestion of her newly-obtained attorney, the tenant alleges that she was ill-advised by Rent Board staff to refrain from securing a lawyer for the remand hearing. The tenant also alleges that the landlord's attorney dominated the hearing.

MSC: To deny the appeal. (McGoldrick/How: 5-0)

E. 1278 Jackson St. #5

L001-56A

The hearing officer granted rent reductions for decreased services based on lack of access to a safe roof deck and the elimination of tenants' use of a common storage area. On appeal, the landlord alleges that (1) the hearing officer's reduction of \$63.00 per month for the loss of the storage unit was excessive, unfair and not supported by the evidence; (2) the tenants presented no evidence to support a reduction in excess of the one year limitation of Rent Board rules; and (3) the hearing officer granted a reduction in excess of the amount claimed by the tenants in the creditor's claim they filed with the Probate Court with respect to the lost storage area.

MSC: To deny the appeal. (Marshall/McGoldrick: 5-0)

0061M

F. 2335 Pacific Ave. #502 L001-55A

The hearing officer granted this tenant petition for unlawful rent increase. On appeal, the landlord states that the hearing officer failed to consider evidence presented at the hearing and misapplied the law. The landlord also disputes the findings of fact as determined by the hearing officer.

MSC: To deny the appeal. (Marshall/McGoldrick: 5-0)

The Commissioners also proposed to send a letter to Ed Corvi, the hearing officer for a 1981 Rent Board case involving these parties, indicating that his actions in this current case were inappropriate.

VI. Communications

The Commissioners received correspondence on a case [Appeal No. K001-88A] involving comparables which was heard by the Commissioners on July 17, 1990. The landlord's daughter complains of the burdensome nature of the hearing and appeals process.

VII. Deputy Director's Report

The Deputy Director discussed the following topics:

A. The Executive Director is on vacation until March 4, 1991; before leaving he took the staff to a second annual Chinese New Year's luncheon;

B. The Board of Supervisors Economic and Social Policy Committee again considered, and referred to the full Board, legislation for passthrough of water penalty charges under certain circumstances;

C. Counselor Carmen Herrera gave a presentation to the Housing Development & Neighborhood Preservation Corporation; and

D. The Board of Permit Appeals requested that the Deputy Director and Commissioner Rossoff make a presentation on Rent Board procedures on March 13, 1991.

VIII. Old Business

A. Commissioner Marshall reported on the status of drafting, with Rent Board staff, proposed amendments to the Rules and Regulations regarding hardship and the ownership percentage required for owner/relative evictions.

E. The Deputy Director reported on the City Attorney's progress in drafting proposed amendments to the Rent Ordinance concerning various statutes of limitation.

IX. New Business.

A. President Astle will be out of state from March 31 to April 2, 1991. Commissioner How will be out from March 22 to April 2, 1991.

X. Calendar Items

March 5, 1991

1 appeal consideration

6:00- Appeal Hearing: 10 - 10th Avenue L001-51A (accpt. 2/12/91)

March 12, 1991

3 appeal considerations

Appeal Hearing: 1921 Lake Street L001-57A (accpt. 2/26/91)

March 26, 1991 - No meeting.

XI. Executive Session

The Personnel Committee, comprised of Commissioners Astle, Hammill and How, went into Executive Session pursuant to Government Code Section 54957 to discuss personnel matters from 7:10 to 7:30.

IX. New Business (cont.)

During this same time, the Outreach Committee of the Board, composed of Commissioners McGoldrick (chair), Villa and Carrico, met for discussions.

XII. Adjournment

President Astle adjourned the meeting at 7:30 p.m.



NOTICE OF A SPECIAL MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 4:30 p.m.
March 5, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

Executive Session - Personnel Committee

Govt. Code Section 54957

Personnel Matters

DOCUMENTS DEPT.

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NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
March 5, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeal

2100 Jackson St.

L001-58A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing

6:00 10 - 10th Ave.

L001-51A (accepted 2/12/91)

XII. Calendar Items

IX. Old Business

Outreach Committee discussion

XIII. Personnel Committee - Executive Session
Govt. Code Section 54957

Personnel Matters

XIV. Adjournment

NOTICE OF THE ANNUAL RENT INCREASE
PERMITTED BY
THE SAN FRANCISCO RESIDENTIAL RENT ORDINANCE

For increase notices given on or after
March 1, 1991 - February 29, 1992

The increase in the Consumer Price Index for the 12 months preceding
March 1, 1991, as made available by the U.S. Department of Labor
released on February 20, 1991, is 6.4%. Although 60% of that increase
is 3.8%, the allowable annual increase shall be no less than 4%.

Therefore, the allowable annual increase is 4%.

DOCUMENTS SECT.

MAR 5 1991

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, March 5, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President Astle called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present:	Astle; Marshall; Rossoff; Villa.
Commissioners not Present:	How; McGoldrick; Schlichtmann; Stephenson.
Staff Present:	Grubb; Pickman-Thoon.

Commissioner Hammill appeared on the record at 5:36 p.m. and
Commissioner Carrico appeared at 6:00 p.m. Commissioner Rossoff left
the meeting at 6:00 p.m. Commissioner Villa left at 6:45 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 26, 1991, as
written. (Villa/Marshall: 4-0)

IV. Consideration of Appeal

2100 Jackson St. #1A, #5, #7 L001-58A

The hearing officer did not allocate part of the exterior painting cost
for passthrough to units #1, 5, 7, and 1A because the date provided in
the contract was May 1986, and the subject tenancies began between
April 1986 and August 1986. The contractor was paid in November 1988.
The landlord appeals asserting that since the work actually began in
the late summer of 1988, the passthrough should apply to these tenants.

MSC: To remand to the hearing officer to consider the issue
raised in the appeal. (Astle/Rossoff: 5-0)

V. Appeal Hearing

10 - 10th Avenue. #3 & #5 L001-51A

The Commissioners accepted the appeal for Board hearing on the issue of
landlord financial hardship and the due process/notice issue for unit
#3, with a review of the rent increase history.

The landlord did not personally appear to present evidence of financial hardship. The landlord's attorney asserted that the landlord was not suffering any financial difficulties or hardship, but asserted that the rent refunds as calculated by the hearing officer were unfair because there should be a statute of limitations.

The landlord's attorney did not dispute the rent history for unit #3, but argued that the rent overpayments should be readjusted. After considering the testimony and evidence, the Board voted as follows:

MSC: To find no financial hardship in this case and to affirm the calculations for rent overpayments as determined in the Hearing Officer's decision, except to find the December 1986 rent increase of 4% for unit #3, which was imposed less than 12 months from the previous rent increase, is not null and void, and to find that the October 1985 rent increase of 4.7% for unit #5, which was imposed less than 12 months from the previous rent increase, shall be recalculated at 4%.
(Marshall/Hammill: 4-1; Carrico dissenting.)

VI. Communications

A. By letter the Board of Permit Appeals requested a meeting with the Deputy Director and Commissioner Rossoff to discuss capital improvement concerns. It was decided that the Deputy Director and Commissioners Rossoff and Marshall would attend the meeting.

B. A draft proposed amendment to the Conflict of Interest Code from the City Attorney to be applicable to hearing officers was received. The Director will solicit comments on the draft from the hearing officers.

C. A memorandum from the Eviction Unit Supervisor forwarded an eviction case to the District Attorney for review and action.

D. A copy of the draft proposed amendments to impose various statutes of limitations to the Rent Ordinance was submitted for Board review. Discussion will be scheduled for the March 12, 1991 meeting.

VII. Director's Report

The Executive Director discussed the following topics:

A. Legislation on the tenant passthrough of water penalties was continued by the Board of Supervisors until next week.

B. Rent Ordinance amendments requested by the Rent Board will be considered by the Economic and Social Policy Committee next week.

C. After discussion with the Police Department on tenant harassment, the Director was informed that only threats of assault or actual assault would be actionable by the police department. A tenant would have to file an incident report.

VIII. Old Business

A. The outreach committee meeting will be put over until next week.

B. The personnel meeting will be placed on calendar after the next meeting.

IX. New Business

A. Costs and procedures for multiple visits by the Bureau of Building Inspection for units under renovation were briefly discussed.

B. The annual allowable rent increase for 1991 is 4%.

C. President Astle expressed her concern over added Rent Board responsibilities connected with the passthrough to tenants of water penalties. Pointing out that such duties might entail a considerable demand on the existing staff, the President suggested that the Director inquire into whether the Board could receive some of the penalty fees. The possibility of a part-time hearing officer and/or counselor to help handle the added work was raised. The Director will draft a letter to the Supervisors expressing the Board's concerns. The PUC's use of a per unit calculation, as opposed to a per person calculation was also discussed. The Director will confirm whether the PUC is using the per unit basis.

X. Calendar Items

March 12, 1991

3 appeal considerations

6:00 p.m. Appeal Hearing: 1921 Lake Street L001-57A (accpt. 2/26/91)

March 19, 1991

3 appeal considerations

March 26, 1991 - NO MEETING

XI. Adjournment

President Astle adjourned the meeting at 7:04 p.m.

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARDTuesday, March 12, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

MAR 19 1991

SAN FRANCISCO
PUBLIC LIBRARYI. Call to Order

President Astle called the meeting to order at 5:42 p.m.

II. Roll Call

Commissioners Present:

Astle; Carrico; Hammill; How;
McGoldrick; Schlichtmann;
Stephenson.

Staff Present:

Grubb; O'Hearn.

Commissioner Rossoff appeared on the record at 5:46 p.m. Commissioners Marshall and Villa appeared after the appeal hearing at 7:20 p.m. Commissioners Marshall, Rossoff and Stephenson left the meeting at 8:30 p.m.

III. Approval of the MinutesMSC: To approve the Minutes of March 5, 1991 as written.
(Carrico/Astle: 5-0)IV. Consideration of Appeals

A. 2810 Washington St. #2 L001-50R

The tenant appeals the remand decision granting the landlord's petition for rent increase based on increased operating and maintenance expenses. Based on an abatement report by the Bureau of Building Inspection following the landlord's repairs as of the date of the increase, the Hearing Officer restored a prior 5% decrease and denied the tenant's defense to the increase based on the landlord's failure to repair and maintain the premises as required by law. The tenant objects to that determination based on evidence obtained after the remand hearing. The tenant also objects to various items being included in the category of operating expenses.

MSC: To deny the appeal. (Carrico/McGoldrick: 5-0)

B. 1690 Broadway St. L001-51R through L001-67R

Sixteen tenants appeal the certification of various items, including exercise equipment and a spa, as capital improvements arguing that such items were excessive and unnecessary expenditures. Prior to discussing the appeals, the Commissioners passed the following motion:

MSC: To excuse Commissioner McGoldrick from consideration of this matter. (Carrico/How: 5-0)

Following discussion of the appeals, the Commissioners passed the following motion:

MSC: To deny the appeals and order a numerical correction of Table 1 of the decision. (Carrico/How: 3-2; Hammill and Stephenson dissenting.)

C. 1186 Treat Ave. L001-59A

The landlord, by an attorney, submitted an appeal one day late without providing any written excuse for lateness even after being asked to do so by the Deputy Director.

MSF: To find good cause for the late filing of appeal. (Carrico/How: 2-3; McGoldrick, Stephenson and Astle dissenting.)

The motion having failed, the Commissioners continued discussing the issue of late appeals and passed the following motions:

MSC: To reconsider the failed motion finding good cause for late appeal. (Astle/McGoldrick: 4-1; Stephenson dissenting.)

MSC: To continue the case until the next meeting. (Astle/McGoldrick: 4-1; Stephenson dissenting.)

V. Appeal Hearing

1921 Lake St. # 1, #3 & #4 L001-57A

The landlord and the tenants of unit 3 appeared at this hearing to consider whether certain excessive increases could be considered *de minimus* and not null and void, as determined by the Hearing Officer. Following recitation and discussion by the landlord of each of the increases beginning in December 1985, the Commissioners closed the hearing and began discussing the case.

Staff was requested to provide three sets of calculations: one where none of the increases is null and void, but actual overpayments are shown; one where increases only over .5% of the lawful amount are null and void and other overpayments are included; and one where the landlord is liable for 10% of the null and void overpayments determined by the Hearing Officer.

The Commissioners then continued the case until the next meeting.

VI. Communications

The Commissioners received the following communications:
0066M

A. The decision for 760 Northpoint #1 & #101 [Appeal Nos. L001-44R & L001-45R] heard and decided on February 12, 1991, which was approved and signed;

B. Rent Board statistics for February 1991;

C. A revised copy of the Rent Ordinance incorporating amendments effective February 21, 1991;

D. A letter from the Clerk of the Board of Supervisors requesting comment on an amendment to the Rent Ordinance proposed by Supervisor Achtenberg, which was scheduled for the next Board meeting;

E. Copies of two letters sent to the District Attorney referring three cases for possible criminal prosecution; and

F. Annual Statements of Economic Interest to be completed and filed by the Commissioners on April 1st.

VII. Director's Report

A. The Executive Director recently spoke at a City College paralegal class taught by Rent Board Commission President Ruth Astle.

B. The Director reported on the recent meeting of the Tenant Inconvenience Plan Agreement Committee.

C. The Director reported on legislation passed on first reading by the Board of Supervisors to permit landlords to pass through 50% of water penalties subject to certain conditions being met.

D. Rent Ordinance Amendments proposed by the Rent Board were referred to the full Board by the Economic and Social Policy Committee.

E. The Director inquired whether all Commissioners received their 1099 form from the City.

F. The Director proposed adding all Commissioners' names to Rent Board letterhead.

G. Since the Director and Commissioners were unable to attend a reception (taking place during the Rent Board meeting) honoring Ed Lee, the new Director of the Human Rights Commission, staff was requested to send a letter of congratulations on behalf of the Rent Board.

IX. New Business

A. Amendment to Conflict of Interest Code

The Commissioners passed the following motion:

MSC: To adopt the prepared resolution approving an amendment to the Conflict of Interest Code and recommending adoption of the amendment to the Board of Supervisors.
(Carrico/Marshall: 5-0)

B. Proposed amendments to the Rent Ordinance
for various statutes of limitations

The Commissioners discussed the draft amendments which they requested last summer. Suggestions were made for revisions on banking, the definition of tenant, and on rent overpayments. Commissioners Hammill and How will work on draft wording to bring back to the next meeting for further discussion. Staff was requested to provide a sample of cases showing overpayments for long periods of time.

X. Remarks from the Public

Larry Becker, a tenant representative, commented on proposals for a statute of limitations on null and void increases.

XI. Calendar Items

March 19, 1991

4 appeal considerations (including 1 cont. from 3/12)

March 26, 1991 - NO MEETING.

April 2, 1991

5 appeal considerations

XII. Old Business

At 8:30 p.m., the Commissioners went into the following Committees:

A. Outreach Committee

Commissioners Carrico, McGoldrick and Villa had discussions.

B. Personnel Committee - EXECUTIVE SESSION
Govt. Code Section 54957

Commissioners Astle, How, Hammill and Schlichtmann had discussions.

XIII. Adjournment

President Astle adjourned the meeting at 8:43 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

March 19, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

I. Call to Order

II. Roll Call

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III. Approval of the Minutes

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IV. Remarks from the Public

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V. Consideration of Appeals

A. 1186 Treat Ave.

L001-95A (cont. from 3/12)

B. 310 Miguel Ave.

L001-61A

C. 4465 - 17th St.

L001-62A

#2, #4 & #B

D. 4225 Cabrillo St.

L001-63A & L001-68R

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IV. Remarks from the Public (cont.)

IX. New Business

Proposed Amendment to Section 37.9 of the Rent Ordinance

X. Calendar Items

XI. Old Business

A. 1921 Lake St.

L001-57A (heard 3/12/91)

B. Draft Rent Board amendments to the Rent Ordinance

C. Outreach Committee

D. Personnel Committee - EXECUTIVE SESSION

Govt. Code Section 54957

XII. Adjournment

0065M



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, March 19, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

Vice President Hammill called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present:	Astle; Hammill; Marshall; McGoldrick; Rossoff; Schlichtmann; Stephenson; Villa.
Commissioner not Present:	Carrico.
Staff Present:	Grubb, Lim.

Commissioner How appeared on the record at 5:31 p.m. Commissioner Marshall left the meeting at 7:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 12, 1991 as corrected on page four to reflect that Commissioner Stephenson participated in the Outreach Committee discussions and remained until the meeting adjourned and on page three item "F" to read "by" rather than "on" April 1st.
(Astle/Rossoff: 5-0)

IV. Consideration of Appeals

A. 1186 Treat Avenue L001-95A (cont. from 3/12/91)

After continuing the matter for one week, the Board did not receive any written excuse for lateness of the appeal.

MSC: To deny the appeal as untimely filed.
(Rossoff/McGoldrick: 5-0)

B. 310 Miguel Avenue L001-61A

The landlords appeal a decision denying a rent increase based upon increased operating and maintenance expenses. The petition was denied by the Hearing Officer because the landlords did not prove actual costs in all categories, except for debt service. The landlords contend they complied with the Hearing Officer's instructions to supplement their petition.

MSC: To remand the case for further hearing to the Hearing Officer after allowing the landlords to document all costs. (McGoldrick/How: 5-0)

C. 4465 - 17th Street L001-62A
units 2, 4 and B

The landlord appeals a decision granting certain capital improvements, but denying any further increases for additional living space added to these units. The landlord contends that in the interest of fairness and justice, allowance should be made to increase the rents.

MSC: To deny this appeal. (McGoldrick/Marshall: 5-0)

D. 4225 Cabrillo Street L001-63A and L001-60R

Both the landlord and tenant appeal this decision, which granted a cumulative rent reduction of \$550.00 for the loss of an adequate portable heater. No decreased housing services were found for a one-time sewage overflow, disputed loss of shelf and storage space, and limited loss of backyard use.

MSC: To deny both appeals. (Rossoff/How: 5-0)

V. Communications

The Commissioners received the following communications:

- A. PUC proposal for water rationing as requested by the Board.
- B. Water penalties Ordinance.

VI. Director's Report

A. The water penalties legislation passed its second reading before the Board of Supervisors this week. The Director noted that due to the way the legislation was written, no hearings by the Rent Board could be held.

B. Other Ordinance changes came up for the first reading before the Board of Supervisors and passed without discussion.

C. Workers' Compensation claims against the Rent Board will approximate \$25,000.00 this year. The accountant is reviewing whether there are enough funds available through salaries to cover this amount. If that is not possible, then the Rent Board will have to request supplemental funds through the Board of Supervisors.

D. In a meeting with the Mayor, it was reported that next year's deficit could range from \$117 to \$158 million. It was likely that this year's deficit would run about \$10 million.

VII. New Business

Proposed Amendment to Section 37.9 of the Rent Ordinance.

After discussion, the Commissioners passed the following motion:

MSC: To continue the matter for two weeks.
(Astle/McGoldrick: 5-0)

VIII. Remarks from the Public

Mitchell Omerberg, of the Affordable Housing Alliance, briefly remarked about the water penalty legislation. He also reviewed a letter from the Affordable Housing Alliance to President Astle regarding Supervisor Achtenberg's Rent Ordinance amendment on eviction damages.

IX. Calendar Items

March 26, 1991 - NO MEETING.

April 2, 1991

Old Business: 1921 Lake St. #1, 3, and 4 (heard 3/12)
5 appeal considerations

Old Business: Rent Board Amendments to the Rent Ordinance

April 9, 1991

3 appeal considerations

Old Business: Outreach and Personnel Committees

X. Old Business

A. 1921 Lake St. #1, 3 and 4 L001-57A

Following this appeal hearing on March 12, 1991, staff was requested to provide various calculations. Since the staff calculations submitted were not what the Commissioners had requested, the matter will be put over two weeks, to the top of the agenda.

MSC: To continue the matter for two weeks, provided it is placed at the top of the agenda. (Astle/Rossoff: 5-0)

B. Committees

None of the Committees were ready to give their reports, but will do so in three weeks. The Personnel Committee scheduled its next meeting.

C. Draft Rent Board Amendments

The Commissioners continued their discussion of proposed amendments to another meeting.

The Executive Director requested that Section 37.4 be changed from "executive secretary" to "executive director."

XI. Adjournment

Vice-President Hammill adjourned the meeting at 7:05 p.m.
0067M



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

April 2, 1991

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

25 Van Ness Avenue, #70, Lower Level

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Old Business

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- A. 1921 Lake St. L001-57A
#1, #3 & #4 (heard 3/12/91)

VI. Consideration of Appeals

- A. 146 McAllister St. #519 L001-64A
- B. 1610 Kirkwood L001-65A
- C. 655 Steiner St. #306 L001-66A
- D. 979 Guerrero St. L001-69R
- E. 3948 & 3954-A - 17th St. L001-70R & L001-71R

VII. Communications

VIII. Director's Report

IX. Consideration of Allegations of Wrongful Evictions

Staff Report

- A. 1333 Stevenson St. L002-49E
- B. 145 Russia St. #3 & #5 L001-92E & L002-07E

V. Old Business (cont.)

- B. Proposed Amendment to Ordinance Section 37.9
- C. Draft Rent Board amendments to the Ordinance

IV. Remarks from the Public (cont.)

X. New Business

XI. Calendar Items

XII. Adjournment

0068M (3/28/91)



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, April 2, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

I. Call to Order

Vice-President Hammill called the meeting to order at 5:35 p.m.

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

II. Roll Call

Commissioners Present:	Hammill; Marshall; McGoldrick; Rossoff; Schlichtmann; Stephenson; Villa.
Commissioners not Present:	Astle; How.
Staff Present:	Grubb; Wicks.

Commissioner Carrico appeared on the record at 5:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 19, 1991.
(Marshall/Rossoff: 5-0)

IV. Old Business

A. 1921 Lake St. #1,3 & 4 L001-57A (heard 3/12/91)

After excusing Commissioner Marshall who was not at the original discussion, the Commissioners reviewed the documentation and voted as follows:

MSC: To approve the overpayment calculations in
Table A-III. (Schlichtmann/Rossoff: 5-0)

V. Consideration of Appeals

A. 146 McAllister St. #519 L001-64A

The tenant prevailed on some claims of decreased services, including sealed garbage chutes, leaks, and PG&E conversion. On appeal the landlord argued that the hearing officer failed to listen to the testimony of both the tenant and landlord. He further indicated that additional statements would be provided, but none were received.

MSC: To uphold the hearing officer and deny the appeal. (Marshall/McGoldrick: 5-0)

B. 1610 Kirkwood St.

1001-65A

The tenant prevailed in part on her petition for decreased services, with rent reductions for lack of promised gas heat, lack of access to ground level water, and lack of access to the circuit breakers. On appeal the landlord argued that he had given the tenant good space heaters and was in the process of getting estimates on a furnace; and that the tenants need only call him if one of the frequent blown fuses occurs. In rebuttal the hearing officer pointed out that the landlord was arguing against parts of the decision that went in his favor; that he was bringing up issues not mentioned at the hearing or which were contradictory to his testimony at hearing; and some of his proposed solutions were unreasonable and unsafe under the circumstances.

MSC: To uphold the hearing officer and deny the appeal. (Marshall/McGoldrick: 5-0)

C. 655 Steiner St.

L001-66A

units 103, 104, 106 & 306

Seven tenants filed petitions for decreased services because of the landlord's conversion from steam heat to individual electric heaters and for various individual decrease claims. For the heat conversion the landlord had voluntarily reduced the rent by \$8.00 for studio units and \$11.00 for one-bedroom apartments. The tenants contended that the new heating system was inadequate and expensive, far inferior to the steam heat system which the landlords admitted had functioned properly. The hearing officer found that an additional \$20.00 per month reduction was necessary to compensate the tenants for the heat change. On appeal the landlord stated that the tenants did not offer proof of increased heating costs and that the additional \$20.00 beyond the landlord's own reduction was unsupported and incorrect.

MSC: To remand the case to the hearing officer for findings on the \$20.00 decrease amount.
(Carrico/Marshall: 5-0)

D. 979 Guerrero St.

L001-69R

The tenant claimed various decreased housing services, including removal of the outside rear exit stairs, which were demolished approximately one year ago. Interior stairs were partially repaired, but the work was not completed. The hearing officer gave a \$30.00 monthly reduction for the exterior stairs and \$15.00 monthly for the interior stairs. In the tenant's appeal it is argued that these amounts are insufficient.

MSC: To deny the appeal and make numerical corrections. (Marshall/Schlichtmann: 5-0)

E. 3948 & 3954-A - 17th St. L001-70R & L001-71R

The landlord petitioned for and was granted certification for a new roof on this six-unit building. Two tenants appealed, stating that the landlord failed to make necessary repairs to the roof during the landlord's long ownership, resulting in deferred maintenance. In rebuttal the landlord's attorney noted that one of the tenants appeared at the hearing and offered no challenge to the certification, and the other neither appeared at the hearing nor objected in writing to the certification.

MSC: To deny the appeal of the tenant at 3948 - 17th Street; to remand the case of the tenant at 3954A - 17th Street on the issue of when the notice of the capital improvement increase was received by the tenant.
(Carrico/Schlichtmann: 5-0)

VI. Communications

The Board received the following communications:

A. A memo from the Deputy Director to the tenants of Parkmerced concerning the current status of various cases;

B. The Board's Annual Report on Eviction Notices sent to the Mayor;

C. A memo to the Commissioners from the Deputy Director about 1921 Lake Street [L001-57A];

D. The Board Decision on Appeal for 10 - 10th Avenue [L001-51A], which was approved.

VII. Director's Report

Executive Director Joe Grubb discussed the following topics:

A. Draft language for an insert in an upcoming water bill is being prepared to explain the process for sharing excess water penalties by both landlords and tenants;

B. The Rent Board Staff has spoken or will speak to various groups about the Rent Law and Board procedures as follows: Ernestine Cade-Hill--Old St. Mary's Housing Committee; Alicia Wicks--Tenants Union and City College property management class; Carmen Herrera--La Raza Centro Legal; Joe Grubb--Ray Brown's KNBR call-in show;

C. It is anticipated that both Delene Wolf and Pedro Ruiz will return to work on April 15, 1991;

D. Information was given on the current deliberations of the UMB Task Force and Tenant Accommodation Committee;

E. In response to requests from the Director and the Board, the Eviction Unit Supervisor reported on a recent meeting with a representative from the District Attorney's Office.

VIII. Consideration of Allegations of Wrongful Eviction

Staff Report

A. 1333 Stephenson St. L002-49E

The tenant received a 30-day notice for termination of tenancy with no stated cause or advice clause. The landlord stated that the property was being sold to a handyman living in the basement unit, who wanted the subject unit because it was close to his workshop area. The file includes several notes to the tenant from this alleged (and unnamed) purchaser, suggesting she would lose her privacy if she pursued repair complaints. A week before she received the termination notice from the landlord, the tenant received a note from "the new management" indicating that once he became the owner she would have little say in what occurred in the building. Although the tenant received information that she need not vacate because the notice was totally defective, she decided to do so since she stated that she was tired of being harassed by the landlord's agents. At the hearing the landlord informed the hearing officer that the building had not been sold and he has no firm plans to sell it. The hearing officer stated that the landlord seemed to be unaware of any of the restrictions or responsibilities in the Ordinance.

RECOMMENDATION: To write the landlord a strongly-worded letter suggesting he inform himself of the provisions of the Ordinance and Rules.

B. 145 Russia St. #3 & #5 L001-92E & L002-07E

The tenants had resided in the six-unit building for 12 and 10 years, respectively. Both tenants received identical letters from the new owner terminating their tenancies for the occupancy of the landlord's sister and daughter, without specifying in which unit each relative would reside. At the hearing the landlord informed the Board that intended occupants of #3 were his mother and sister; the intended occupants for #5 were his daughter and her family. The daughter had apparently seen #5 and appears to have a legitimate desire to reside in that unit. On the other hand, neither the mother nor sister had seen unit #3, and because they did not appear at the hearing, their intentions are not known.

The owner has allegedly discussed his plan with the sister but not with his mother, who knows nothing of her son's intention to relocate her from her house in another county to the subject one-bedroom apartment. The owner stated that his mother's health needs require frequent care as she is wheelchair-bound. He alleged that his sister and daughter would share this care in the subject building. There was no intention of selling the mother's house, though, since it could be a backup residence for the mother and/or sister in case things didn't work out. He admits that it would be difficult to persuade his mother to make this move; he felt it was best if he just moved her into the unit without giving her a chance to refuse.

There is a substantial question as to whether a wheelchair-bound person could realistically reside in the building: there are 4 steps to a landing and 17 steps (and no elevator) to unit #3 where the mother would reside; and there is a serious dispute as to whether the unit can be made wheelchair-accessible. During the notice period the landlord had vacancies in several nearby buildings which he owns; the tenants contend that he should have moved his relatives into those vacancies or at least offered them to the tenants.

RECOMMENDATION: Although there is no suggestion that the owner is trying to evict troublesome tenants, and only an unsubstantiated one that he is trying to get vacant units in order to raise the rent, it seems clear that he cannot show that the required occupancy of #3 by his relatives is either feasible or probable. Despite great resistance from the tenants and continuing caution suggested by the Eviction Unit, the landlord has proceeded, often in a questionable manner. Apartment #3 has been vacant since the tenant moved out four months ago. It is recommended that the matter be referred to the District Attorney for investigation and possible prosecution.

MSC: To approve Staff's recommendations.
(Carrico/Schlichtmann: 5-0)

IV. Old Business (cont.)

B. The Commissioners discussed the proposed Amendment to Ordinance Section 37.9 concerning treble damages in some wrongful eviction cases. The matter will calendared for the next meeting for further Board input;

C. Commissioner Marshall distributed draft language for Ordinance Section 37.3(b)(6), "Nonconforming Rent Increases," which the Board will continue to discuss at the next meeting.

X. Remarks from the Public

A. Attorney Bart Murphy discussed the proposed amendment to Ordinance Section 37.9;

B. Ellen Lyons from Legal Assistance to the Elderly also spoke on the proposed amendment to Ordinance Section 37.9.

XI. New Business

A. Commissioner Stephenson distributed copies of the Renters Voice and an article from the April 1991 edition of the Tenderloin Times;

B. Commissioner McGoldrick asked the Board to consider getting access to media coverage on the water penalty process.

XII. Calendar Items

April 9, 1991

3 appeal considerations

Old Business:

Proposed Amendment to Ordinance Section 37.9

1921 Lake St. #1,3, & 4 L001-57A

(heard 3/12/91 and partially decided 4/2/91);

Parkmerced Appeal No. J002-03A

Follow-up to resolution of litigation;

Draft Rent Board amendments to the Ordinance;

Outreach and Education Committee

April 16, 1991 - NO MEETING.

April 23, 1991

4 appeal considerations

XIII. Adjournment

Vice-President Hammill adjourned the meeting at 8:16 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
April 9, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

TIM CARRICO
MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Old Business

A. Proposed Amendment to Ordinance Section 37.9.

VI. Consideration of Appeals

A. 1023 Dolores St.

L001-67A

B. 929 Oak St. #8

L001-68A

C. 743 Polk St. #465

L001-72R

VII. Communications

VIII. Director's Report

IX. Consideration of Allegations of Wrongful Evictions

V. Old Business (cont.)

B. 1921 Lake St. #1, #3 & #4

L001-57A

(heard 3/12/91 and partially decided 4/2/91)

C. Parkmerced

J002-03A (considered 4/18/89)

Action pursuant to resolution of litigation (No. 908-695)

D. Draft Rent Board Amendments to the Ordinance

IV. Remarks from the Public (cont.)

X. New Business

XI. Calendar Items

V. Old Business (cont.)

E. Outreach & Education Committee

XII. Adjournment

0070M

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, April 9, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

I. Call to Order

President Astle called the meeting to order at 5:45 p.m.

TIM CARRICO
MAMIE HOW

II. Roll Call

POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

Commissioners Present: Astle; Hammill; How; Marshall;
McGoldrick; Rossoff; Schlichtmann;
Villa.
Commissioner not Present: Stephenson.
Staff Present: Grubb; O'Hearn.

Commissioner Marshall left the meeting at 6:00 p.m. and
Commissioner Carrico appeared on the record at 6:15 p.m.
President Astle, Commissioners How, Schlichtmann and Rossoff
left at 6:30 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 2, 1991 as
corrected on page 1 to reflect the proper
date. (Hammill/Rossoff: 5-0)

IV. Old Business

A. Proposed Amendment to Ordinance Section 37.9

President Astle stated that it was the consensus of the Board
to take no position on this amendment proposed by Supervisor
Achtenberg since it is not a provision enforced or
administered by the Rent Board and is a policy matter for the
Board of Supervisors. The three tenant Commissioners present
each stated their objection to the Board's lack of a position.

V. Consideration of Appeals

A. 1023 Dolores St. L001-67A

The hearing officer granted corresponding rent reductions for
decreased services based on loss of use of a shower, lack of
a fully-functional toilet and lack of a secure back door
lock. On appeal, the landlord denies that repairs to the
unit took as long as the tenant claims. The tenant responds
with a chronological recap of the bathroom repairs.

MSC: To deny the appeal.
(McGoldrick/Rossoff: 5-0)

B. 929 Oak St. #8

L001-68A

The hearing officer granted a rent reduction for decreased services based on damaged carpeting in the living room and hallway. The landlord failed to appear at the hearing and did not provide the Board with an explanation for his absence. On appeal, the landlord argues that the tenant caused the damage to the carpet herself.

MSC: To deny the appeal.
(McGoldrick/Marshall: 5-0)

C. 743 Polk St. #465

L001-72R

The hearing officer granted corresponding rent reductions for decreased services based on lack of heat, defective intercom system, broken door locks, non-working oven and malfunctioning elevator service. On appeal, the tenant claims that he should have been granted two times the amount of the rent reduction for the inoperable elevator service because he rents two units in the building. He also argues that the monthly \$15 rent reduction for lack of heat (in one of the units) is too low given the fact that he was without heat for nearly a year.

MSC: To order a numerical correction as to the decrease corresponding with the loss of elevator service and to otherwise deny the appeal. (Rossoff/Marshall: 5-0)

VI. Communications

The Commissioners received the following communications:

A. A letter to Ed Corvi concerning his actions in a recent case (Appeal L001-55A discussed on February 26, 1991) which was signed by the President; and

B. A letter to Supervisor Achtenberg from the City Attorney's office concerning the proposed amendment to Ordinance Section 37.9.

IV. Old Business (cont.)

B. 1921 Lake St. #1, #3 & #4 L001-57A

This appeal was heard on March 12, 1991 and partially decided on April 2, 1991. The Commissioners passed the following additional motions:

MSC: To grant exception to Rule 4.10(b) concerning rounded increases for good cause shown in the interest of justice. (How/Rossoff: 4-0)

MSC: To find the 1990 increases null and void
based on defective notices to the tenants.
(McGoldrick/How: 4-0)

C. Parkmerced

J002-03A

This appeal originally was considered on April 18, 1989. However, subsequent litigation (Superior Court No. 908-695) ensued and recently was resolved by stipulation. As a result, the Commissioners passed the following motion:

MSC: To vacate the Board's denial of the
landlord's appeal; to vacate the Decision of
Hearing Officer issued on March 8, 1989; and
to dismiss the tenant petitions [Nos.
1008-35T, etc.]. (McGoldrick/Rossoff: 4-0)

VII. New Business

The Commissioners reviewed draft amendments to Rules and Regulations Sections 11.13 (Postponements), 12.14 (Owner/Relative Evictions), and 2.13 (Board Meetings). Suggestions were made revisions to be brought back to the Board for consideration before scheduling a public hearing.

IV. Old Business (cont.)

D. Draft Rent Board Amendments to the Ordinance

Due to the absence of two tenant Commissioners, this matter was continued to the next meeting.

VIII. Calendar Items

April 16, 1991 - Special Meeting noon.
Personnel Committee (Executive Session)

April 23, 1991
4 appeal considerations
Old Business: Draft Rules Amendments;
Draft Rent Board amendments to the Ordinance;
Personnel Committee (Executive Session)

IV. Old Business (cont.)

E. Outreach & Education Committee

At 6:30 p.m. this committee met for discussion.

IX. Adjournment

Commissioner McGoldrick adjourned the meeting at 7:25 p.m.



ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

NOTICE OF A SPECIAL MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 4:30 p.m.
April 9, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

Executive Session - Personnel Committee

Govt. Code Section 54957

Personnel Matters

0070M

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, April 23, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

SF
RSO
#2
4/23/91

I. Call to Order

President Astle called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; How; Marshall;
McGoldrick; Schlichtmann;
Stephenson.
Commissioners not Present: Carrico; Hammill; Villa.
Staff Present: Grubb; Wicks.

Commissioner Rossoff appeared on the record at 5:36 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 9, 1991 as amended
to delete the sentence referring to tenant
Commissioner objections on page 1, IV., Old
Business. (How/McGoldrick: 5-0)

IV. Consideration of Appeals

A. 2874 & 2874-A - 16th Street L001-69A

The landlord appealed the hearing officer's decision granting decreased services claims for tenants in two units who both proved numerous occurrences of service decreases, including linoleum worn to subflooring, deteriorated walls with exposed lathe, missing tiles and floor covering around bathtubs and toilets, and incomplete repair work. On appeal the landlord blamed the tenants for damaging the apartments, stated no petition should have been accepted from one tenant who owed back rent, and protested the hearing officer's exclusion of certain evidence.

MSC: To uphold the hearing officer and deny the
appeal. (Marshall/McGoldrick: 5-0)

B. 547 Texas St. L001-71A

Following the hearing officer's decision that three rent increases were null and void because they exceeded the allowable annual amounts, the landlord appealed. He claimed financial hardship and

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

3F
R52
#1
4/30/91

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

April 30, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

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- TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA
- I. Call to Order
 - II. Roll Call
 - III. Approval of the Minutes
 - IV. Remarks from the Public
 - V. Consideration of Appeals
 - A. 1115-1133 Green St. L001-73R through L001-78R
 - B. 388 Waller St. L001-79R
 - C. 1560 McAllister St. L001-73A
 - D. 835 Cole St. L001-74A
 - E. 218 Russia Ave. #A L001-76A
 - F. 350 Turk St. # L001-75A
 - VI. Communications
 - VII. Director's Report
 - VIII. Consideration of Allegations of Wrongful Evictions
 - IX. Old Business
 - IV. Remarks from the Public (cont.)
 - X. New Business
 - XI. Calendar Items
 - XII. Adjournment

0077M

argued that the hearing officer failed to take into account an increase in rent for an added housing service.

MSC: To accept the appeal for hearing before the Commissioners on the issue of financial hardship and to determine whether the 19.5% increase in July 1982 included a charge for garage use. (Rossoff/Marshall: 5-0)

C. 100 Laguna St. L001-70A

The tenant prevailed on a petition for decreased services because of damage following the 1989 earthquake, with the landlord's failing to repair entire walls which crumbled and separated, exposing the interior of the unit to the elements. When some repairs were made 1 1/2 years later, the work was not completed, and the tenant has experienced severe pest infestation because of remaining holes and separated walls. Improper rent increases were also evaluated. On appeal the landlord agreed that the tenant had been inconvenienced but pointed out that he was not homeless.

MSC: To uphold the hearing officer and deny the appeal. (Marshall/McGoldrick: 5-0)

D. 2027 Fillmore St. #1, 3, & 7 L001-27A

The tenants in three units filed for unlawful rent increases, claiming that the landlord had imposed increases calculated on higher base rents than those determined by a prior decision concerning decreased services. The landlord argued at the hearing and on appeal that "base rent" as stated in the local law meant the rent established upon initial occupancy; however, the landlord had not always used this beginning rental amount when determining base rent for the affected tenants. The hearing officer denied the landlord's argument and found that the clear meaning of the law was that "base rent" was the base rent in place at the time of the increase, including any annual increases or reductions for decreased services. Accordingly it was held that the tenants were entitled to refunds for amounts overpaid.

MSC: To uphold the hearing officer and deny the appeal. (Marshall/McGoldrick: 5-0)

V. Communications

The Commissioners received the following communications:

- A. Revised drafts of Rules changes 11.13 and 12.14; and
- B. The Spring 1991 edition of the Tenant Times.

VI. Director's Report

A. The Executive Director stated that the Tenant Accommodation Plan Agreement Committee is preparing a final draft of its recommendations for review;

B. The Rent Board Staff has been active in outreach, as follows: Director Grubb spoke to the Asian Council of Realtors and the Apartment House Owners Association; and Ms. Herrera and Mr. Wong spoke to students at the University of San Francisco.

VII. Considerations of Allegations of Wrongful Evictions

A. 2874 - 16th

L001-94E

The landlords have owned this building for approximately 30 years; the tenant has lived there 15 years. In 1986 and 1990 the tenants were served defective notices to vacate, first for owner and then relative occupancy, respectively. The landlord alleged that despite the 15 year occupancy of the tenant, he was not an approved tenant since only his wife's name was on the rental agreement. The tenant alleged that the landlord was retaliating because of the tenant's long-term repair requests; and the landlord insisted that the subject tenants and one in another unit were responsible for conditions that appeared to be normal wear-and-tear after long tenancies. Other problems that resulted from things such as unattended leaks were blamed on the tenants, with the landlord insisting the tenants must pay for any damage or repair.

Shortly after the Eviction Unit sent the landlord investigatory materials questioning the good faith motivation of the recent eviction, the landlord rescinded the termination notice.

EVALUATION & RECOMMENDATION: Although the circumstances surrounding the two eviction attempts show a certain legitimacy in the landlord's need for the unit, it is clear that he either does not know, misunderstands, or refuses to accept the applicable sections of state and local law pertaining to all aspects of landlord-tenant rights and responsibilities including increases, repairs, and evictions. It is recommended that the Commissioners write a cautionary letter to the landlord, suggesting he consult competent legal help before taking further legal actions in regard to this tenancy.

B. 1660 Sacramento St. #6

L001-94E

The tenant has resided in his unit since 1975. In an accompanying tenant petition to the current eviction matter, the hearing officer found that the landlord gave an increase before the allowable date, cited a base rent \$45 higher than that determined in a controlling previous decision, gave an unpermitted increase for storage already included in base rent, and attempted to impose increases retroactively. In early

December 1990, the landlord gave a 3-day notice based on the incorrect increases just stated.

EVALUATION & RECOMMENDATION: Because the landlord based the 3-day notice on amounts to which he was not entitled, the notice is defective. It is recommended that the Eviction Unit Supervisor send the landlord a cautionary letter reminding him that only the proper rental amounts may be stated on a 3-day notice for nonpayment; that the prior rent increase was incorrect and a new notice must be served if the landlord intends to enforce the increase; and to request that any such notice to be sent to the Eviction Unit for review and inclusion in the relevant case files.

MSC: To accept the Staff recommendation on both cases. (Rossoff/McGoldrick: 5-0)

VIII. Old Business

A. Proposed Rules and Regulations Changes

1. Rule 11.13--Postponements

MSC: To approve the draft Rule for public hearing. (How/Marshall: 5-0)

2. Rule 12.14--Owner/Relative Occupancy Evictions

It was the consensus of the Board to continue this matter for discussion at the following meeting.

B. Personnel Committee

Due to the absence of Commissioner Hammill, the Committee postponed its meeting to a date to be arranged.

IX. Calendar Items

April 30, 1991

6 appeal considerations

Old Business: Draft Rules Amendments

May 7, 1991

6 appeal considerations

X. Adjournment

President Astle adjourned the meeting at 6:10 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
April 30, 1991

ART AGNOS
MAYOR

RUTH ASTLE
PRESIDENT

JOSEPH GRUBB
EXECUTIVE DIRECTOR

VIVIAN HAMMILL
VICE-PRESIDENT

25 Van Ness Avenue, #70, Lower Level

AGENDA

- TIM CARRICO
MAMIE HOV'
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA
- I. Call to Order
 - II. Roll Call
 - III. Approval of the Minutes
 - IV. Remarks from the Public
 - V. Consideration of Appeals

A. 1115-1133 Green St.	L001-73R through L001-78R
B. 388 Waller St.	L001-79R
C. 1560 McAllister St.	L001-73A
D. 835 Cole St.	L001-74A
E. 218 Russia Ave. #A	L001-76A
F. 350 Turk St. #	L001-75A

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- XII. Adjournment

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VIVIAN HAMMILL
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MICHAEL ROSSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, April 30, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:43 p.m.

II. Roll Call

Commissioners Present:	Astle; How; Marshall; Schlichtmann; Stephenson; Carrico; Hammill; Villa.
Commissioners not Present:	Rossoff.
Staff Present:	Grubb; Wharton.

Commissioner McGoldrick appeared on the record at 5:55 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 23, 1991
(Marshall/How: 5-0)

IV. Consideration of Appeals

A. 1115-1133 Green Street L001-73R through
L001-78R

This decision granted a capital improvement passthrough of \$37.72 per unit for exterior painting. Six tenants appeal, claiming that there are 15 units, not 14, as previous Rent Board decisions treated the penthouse as 2 units, although this issue was not raised by any tenants at the hearing. Further, the tenants claim that the "petition base rents" cited in the decision (but not relied on by the Hearing Officer to calculate current rents) are not accurate base rent amounts.

MSC: To remand to the hearing officer for
consideration as to number of units and
correct base rents.
(Marshall/Hammill: 5-0)

B. 388 Waller St. L001-79R

The tenant appeals a decision finding unlawful rent increases since March 1987 but holding that the tenant

failed to document rent payments in excess of the lawful rent from March 1987 to the present to offset the landlord's claims of significant underpayments during the period, based on inconsistent landlord rent history records of dubious reliability.

MSC: To remand to the hearing officer to accept further evidence on rent history from the tenants and to consider a formal stipulation thereon. (How/Marshall: 5-0)

C. 1560 McAllister St. #8 L001-73A

The landlord appeals a decision on remand pursuant to a previous landlord appeal finding the tenant liable to the landlord for \$1,728.00 for rent payments due from March 1988 through March 1991. The grounds for appeal include alleged hearing officer bias, abuse of discretion, use of questionable evidence, and miscalculations of previous rent.

MSC: To deny the appeal. (Marshall/McGoldrick: 5-0)

D. 835 Cole St. #4 L001-74A

The hearing officer found a \$645.00 decrease in services arising from a leaking ceiling for twelve months. The landlord did not appear at the hearing. The landlord appeals based upon failure to receive proper notice, claiming it was mailed to his ex-wife's address. The tenant claims that rent checks sent to this address were routinely received and cashed. In addition, the landlord claims that the seriousness of the problem was exaggerated by the tenant, who was not inconvenienced given the lengthy recent dry spell.

MSC: To remand to the hearing officer for a new hearing. (How/McGoldrick: 4-1; Marshall dissenting)

E. 218 Russia Ave. #A L001-76A

The hearing officer certified a capital improvement passthrough of \$56.27 for one unit, and found a rent overpayment of \$10.92. The landlord appeals, contending that "banking" part of a capital improvement passthrough approved in 1985 and imposing it currently exempts it from the annual capital improvement limitation of Rule 7.12(d) adopted in 1989.

MSC: To remand to the hearing officer for clarification of rent increase and capital improvement history, to reconsider the \$20.00 disallowance, and to reflect that the unimposed pre-1989 capital improvement amount in this case is not subject to Rule 7.12(d). (Carrico/How: 5-0)

F. 350 Turk St. #610

L001-75A

The hearing officer granted rent reductions based on decreases in services for failure to repair (1) falling plaster and shower damage; and (2) wiring and oven damage resulting from a fire in the kitchen area. The landlord (1) objected to hearing of the matter on the merits after its attorney's postponement request the day before the hearing was not granted; and (2) claims tenant misconduct as the cause of the kitchen fire.

MSC: To remand to the hearing officer for a new hearing. (Carrico/Marshall: 5-0)

V. Communications

The Commissioners received the following communications:

A. Draft appeal decision for 1921 Lake Street which was approved.

B. Revised amendment to postponement rule;

MSC: To accept the revised language for public hearing. (McGoldrick/Marshall: 5-0)

VI. Director's Report

The Director reported that legislation proposed by Supervisor Achtenberg to amend the eviction provisions of the Rent Ordinance was heard in committee today and recommended to the full Board. The Supervisor made clear the Rent Board position neither favoring nor opposing the legislation.

VII. Old Business

Commissioner Marshall distributed a revised draft for proposed Rule 12.14(a) amendments for discussion at the next meeting.

VIII. New Business

President Astle proposed exploring Ordinance amendments for parties to waive rights in cases of small monetary claims for expedited decisions by mutual agreement.

IX. Calendar Items

May 7, 1991

4:00 Personnel Committee at Hammill's Office
6 appeal considerations

Old Business:

Discussion of Rule 12.14

Education and Outreach Committee (at end of meeting)

May 14, 1991

3 appeal considerations

Appeal Hearing: 547 Texas St. (accepted 4/23/91)

X. Adjournment

President Astle adjourned the meeting at 6:42 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
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DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, May 7, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Vice President Hammill called the meeting to order at
5:35 p.m.

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MAY 13 1991

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II. Roll Call

Commissioners Present: Hammill; Marshall; Rossoff;
Stephenson; Villa.
Commissioners not Present: Astle; Carrico; How; McGoldrick;
Schlichtmann.
Staff Present: Grubb; Pickman-Thoon.

III. Approval of the Minutes

MSC: To approve the Minutes of April 30, 1991, as
written. (Marshall/Villa: 4-0)

IV. Consideration of Appeals

A. 3178 & 3182 Mission St. L001-77A

The hearing officer certified capital improvement passthroughs for earthquake repair, new carpet and new linoleum. The labor costs claimed by the landlord were denied because they were inadequately documented. Costs for the emergency water main replacement and the partial replacement of the back stairs were denied on the basis of deferred maintenance, unclear documentation, and as routine repair and maintenance. The landlord appeals asserting that the documentation submitted was adequate.

MSC: To continue the matter until May 21, 1991 to
get a new tape to provide a full record and
to provide the tenant with an opportunity to
review the tape and respond.
(Rossoff/Villa: 3-1; Hammill dissenting)

B. 443 Connecticut St. L001-78A

The hearing officer reduced the base rent of the tenant for loss of cellar entrance and storage, use of deck, use of clothesline, malfunctioning windows, and bathroom ceiling conditions. The landlord appeals the findings and

arguments made at the hearing.

MSC: To deny the appeal. (Marshall/Rossoff: 4-0)

C. 2085 Sacramento St. L001-79A

The hearing officer granted a rent reduction of \$60.00 per month for the landlord's conversion from landlord paid steam heat to tenant paid electric heat. The landlord appeals asserting that the amount is too high and that the hearing officer's consideration of PG&E's California Public Utilities Commission Sheets and formula for determining appliance usage is a violation of due process.

MS: To deny the appeal. (Marshall/Hamill)

Before voting on the motion to deny, the subsequent motion was made, seconded and carried:

MSC: To continue the matter until next week.
(Marshall/Hamill: 4-0)

D. 2603 California St. L001-80A

The hearing officer reduced the base rent of the tenants for lack of pest control resulting in loss of deck use (\$300.00), loss of working fireplace (\$50.00) and lack of closet doors (\$50.00). The landlords appeal asserting that the amounts granted are excessive.

MSC: To deny the appeal. (Marshall/Villa: 4-0)

E. 2985 Pacific Ave. L001-82A

The hearing officer denied the tenant's petition alleging a substantial decrease in services without a corresponding decrease in rent. The hearing officer found the landlords had improperly included capital improvement passthroughs in the calculations for each annual rent increase beginning in January 1988. Because the unlawful increases were not due to rounding up, the excessive rent increases were null and void resulting in rent overpayments of \$1,768.28. The landlord appeals asserting that the resulting overcharges from the inclusions of the passthroughs are *de minimus*, and that the increases should not be considered null and void. The landlord also asserts that the issue of unlawful rent increases was not presented to the hearing officer for consideration.

MSC: To deny the appeal. (Rossoff/Marshall: 4-0)

F. 2475-A San Bruno Ave. L001-81A

The hearing officer determined rent overpayments based on certain null and void increases after 1984, as excessive, imposed less than 12 months from the previous increase, and as an additional rent or surcharge on the basis of the actual number of persons in the unit. The landlords appeal, arguing that the presence of the wife and new child created a new tenancy. The landlord also argues that the tenant waived the provision prohibiting additional rent for additional tenants, did not file a timely petition, and that the decision results in a windfall to the tenant. In response, the tenants asserts that there was no error of fact or law by the hearing officer.

MSC: To deny the appeal. (Marshall/Hamill: 4-0)

V. Director's Report

The Executive Director discussed the following topics:

A. Proposition F passed in 1986 prohibits Commissioners from appearing before other City commissions if compensated.

B. The presentation made by staff members Alicia Wicks and Rod Wong at the University of San Francisco was successful and the Board is invited to return.

C. The Director suggested general community meetings for outreach.

VI. Considerations of Allegations of Wrongful Evictions

Staff Report

A. 1080-A Capp St. L002-96E

The tenant has resided in the middle unit of this 3-unit building with her (now adult) son since 1977. In late November 1990 the owner served the tenant with a termination notice for her mother's occupancy. One month before this notice was given, the lower unit became vacant. It was rerented 3 weeks before the termination notice was served. In late March 1991 the tenants in the bottom unit informed the agent that they would vacate as of April 1, 1991.

Although evidence was offered to show why the middle unit was more desirable for occupancy by the landlord's mother, nothing countered the virtual comparability of either vacant unit. Neither vacant unit was offered to the tenant in a demonstration of good faith, perhaps because new tenants were asked to pay \$335 more for an identical unit.

0082M

RECOMMENDATION: To write the landlord a strong cautionary letter and closely monitor.

MSC: To accept the Staff recommendation.
(Marshall/Rossoff: 4-0)

B. 242 Joost St. Ave. L002-54E

The building in question is a 2-level house, consisting of a main 3-bedroom unit and a lower in-law apartment. The owners and master tenants have clearly agreed to try to evict a tenant they believed to be troublesome, with a variety of false and fabricated reasons and procedures, to which they even admitted at the hearing. The documents and evidence clearly show ulterior motives and lack of good faith on the part of the owners and master tenants.

RECOMMENDATION: To refer the matter to the District Attorney for investigation of the owners and master tenants. The hearing officer also suggests monitoring the matter to be sure the owners refund the \$300 for decreased services.

MSC: To excuse Commissioner Rossoff from consideration of this matter.
(Marshall/Hamill: 4-0)

MSC: To accept the Staff recommendations in both cases. (Marshall/Hamill: 3-0)

VII. Old Business

Draft Amendments to Rule 12.14 regarding owner/relative occupancy evictions

MSC: To approve the proposed draft amendment for public hearing. (Marshall/Hamill: 4-0)

VIII. Calendar Items

May 14, 1991

4 appeal considerations (1 cont. from 5/7/91)

Appeal hearing: 547 Texas Street (acpt. 4/23/91)

New Business: 2027 Fillmore

Old Business: Outreach & Education Committee

May 21, 1991

6 appeal considerations (1 cont. from 5/7/91)

IX. Adjournment

Vice President Hamill adjourned the meeting at 6:30 p.m.

City and County of San Francisco



Residential Rent Stabilization and Arbitration Board

NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD, Tuesday, 5:30 p.m.

May 14, 1991

25 Van Ness Avenue, #70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 2085 Sacramento St. #107 L001-79A
(cont. from 5/7/91)
 - B. 1660 Sacramento St. #6 L001-83A
 - C. 2340 Vallejo St. #A L001-84A
 - D. 461 Cortland St. L001-80R
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
 - A. Proposed Amendments to Rules and Regulations
- IV. Remarks from the Public (cont.)
- X. New Business
 - 2027 Fillmore St. K001-60A
(First considered 3/27/90; new action per litigation-
Schulz v. SFRRSAB, Superior Court No. 927423)
- XI. Appeal Hearing
 - 6:00 547 Texas St. (accepted 4/23/91) L001-71A
- XII. Calendar Items
- IX. Old Business (cont.)
 - B. Outreach & Education Committee
- XIII. Adjournment

0083M

DOCUMENTS DEPT.

MAY 13 1991

SAN FRANCISCO
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ART AGNOS
MAYOR

RUTH ASTLE
PRESIDENT

JOSEPH GRUBB
EXECUTIVE DIRECTOR

VIVIAN HAMMILL
VICE-PRESIDENT

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, May 14, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President Astle called the meeting to order at 5:40 p.m. DOCUMENTS DEPT.

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

II. Roll Call

MAY 17 1991

Commissioners Present: Astle; Carrico; Hammill; How; Marshall; McGoldrick; Rossoff; Schlichtmann.
Commissioner not Present: Stephenson.
Staff Present: Grubb; O'Hearn.

Commissioner Villa appeared at the meeting at 5:42 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 7, 1991.
(Marshall/Carrico: 5-0)

IV. Consideration of Appeals

A. 2085 Sacramento St. L001-79A

This appeal concerning a rent decrease due to heat conversion was continued from the prior meeting after a motion to deny the appeal was made and seconded. That motion was amended and carried as follows:

MSC: To remand the case to the Hearing Officer for further findings substantiating the decrease amount, after consideration by the parties of PG&E information used by the Hearing Officer. (Marshall/Hammill: 5-0)

B. 1660 Sacramento St. #6 L001-83A

The landlord appeals the null and void determination of a December 15, 1990 increase. The hearing officer concluded that the notice had three problems, primarily based on the lack of evidence of a rent increase in 1987. On appeal the landlord submits additional evidence of the specific rent history, including a notice of an 8% increase effective December 15, 1987, after the filing of a capital improvement petition and prior to the issuance of the capital improvement decision.

MSC: To deny the appeal, but order a numerical correction based on the validity of the 1987 increase. (McGoldrick/How: 5-0)

C. 2340 Vallejo St. #A L001-84A

The landlords, including the sublessor, appeal the determination that they charged excessive rent to the subtenant who paid more rent than the amount paid by the sublessor to the landlord.

MSC: To remand the case solely on the issue of liability for the owner and sublessor. (Marshall/How: 4-1; Carrico dissenting.)

D. 461 Cortland St. L001-80R

The tenant submitted an appeal of the dismissal of her petition following her failure to notify the Rent Board of the status of the petition and any change of address. On appeal, she states that the landlord breached the settlement agreement.

MSC: To deny the appeal. (How/Carrico: 5-0)

V. Appeal Hearing

547 Texas St. L001-71A

This appeal was accepted for hearing solely on the issue of financial hardship and to determine whether a 19.5% increase in July 1982 included a charge for garage use. The hearing commenced at 6:18 p.m. with the parties present, including the landlord's attorney.

Testimony revealed that the garage charge was added in May 1982 and subsequently included in the base rent when it was increased in July.

Following information concerning the landlord's finances, the hearing was closed at 6:45 p.m. The Commissioners discussed the case and approved the following motions:

MSC: To limit rent offsetting to collect rent overpayments at the rate of 50% of the base rent. (Carrico/Marshall: 5-0)

MSC: To apply this limit as an exception to the regulations for good cause shown in the interest of justice. (Marshall/Carrico: 5-0)

VI. Director's Report

The Executive Director reported that a vacancy control proposal was introduced by the Board of Supervisors and will be scheduled for hearing before the Supervisors Committee on Economic and Social Policy on May 30th.

The Director is in the process of submitting a flex time proposal for all staff.

VII. Old Business

A. Proposed Amendments to Rules and Regulations

The Deputy Director reported on the status of regulations previously requested by the Commissioners. A hardship certification rule requiring the parties to come to the Board each year and a rule prohibiting rent increases which result in rents above the market rate were determined unnecessary after discussion.

The Deputy Director also submitted a draft of proposed amendments to Rules and Regulations Sections 4.10 and 4.12 concerning rent increases, to conform with amendments to Ordinance Section 37.3(a), and to Rules and Regulations Sections 7.10(b), 7.12(a), 1.16 and 8.12 to clarify that capital improvement and rehabilitation costs reimbursed by insurance proceeds shall not be certified for purposes of capital improvement rent increases or substantial rehabilitation exemptions.

These amendments will be discussed by the Commissioners at the next meeting.

VIII. New Business

A. 2027 Fillmore St. K001-60A

This appeal was originally considered by the Board on March 27, 1990, but is now subject to new action pursuant to a Superior Court order in Schulz v. SFRSAB, No. 927423. As a result, the Commissioners passed the following motion:

MSC: To set aside and vacate the prior Board order permitting the landlord to bring a second petition for capital improvement certification of the seismic work and to uphold the Decision of the Hearing Officer as corrected. (Marshall/McGoldrick: 5-0)

The Deputy Director reported that as a result of the court order in Schulz, the landlord is now challenging the Board's Decision and also has filed a claim against the City for the costs of the seismic work.

B. Pending Litigation

The Deputy Director reported a court challenge to the Board's decision concerning 118-A, - 27th St. (appeal denied January 29, 1991). The Deputy City Attorney will meet with the Commissioners at a future meeting to discuss the case.

IX. Calendar Items

A public hearing on proposed amendments to the Rules and Regulations will be scheduled on June 4th.

There was discussion concerning a Rent Board community meeting.

May 21, 1991

6 appeal considerations (1 cont. from 5/7/91)

Old Business: Proposed Rules Amendments

May 28, 1991 - NO MEETING.

JUNE 4, 1991

Appeal considerations

6:00 Public Hearing: Proposed Rules Amendments

VII. Old Business (cont.)

B. Personnel Matters - Executive Session
Govt. Code Section 54957

The Commissioners went into Executive Session from 7:20 p.m. until 8:45 p.m.

X. Adjournment

President Astle adjourned the meeting until May 15, 1991 at 5:00 p.m. at 25 Van Ness Avenue #710, San Francisco for continued discussion in Executive Session by the Personnel Committee.

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF A SPECIAL MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Monday, 5:00 p.m.
May 20, 1991

25 Van Ness Avenue, Room 710

AGENDA

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

Executive Session - Personnel Committee

Govt. Code Section 54957

Personnel Matters

DOCUMENTS DEPT.

MAY 17 1991

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0085M (5/16/91)

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#1

RUTH ASTLE
PRESIDENT

5/21/91

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

May 21, 1991

25 Van Ness Avenue, #70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 3178 & 3182 Mission St. L001-77A
(cont. from 5/7)
 - B. 810 Eddy St. #503 L001-85A
 - C. 581 Natoma St. #B L001-86A
 - D. 3010 Fulton St. #9 L001-87A & L001-82R
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
 - A. Proposed Amendments to Rules and Regulations
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- IX. Old Business (cont.)
 - B. Outreach & Education Committee
- XII. Adjournment



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, May 21, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

DOCUMENTS DEPT.

MAY 21 1991

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I. Call to Order

President Astle called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; Marshall; McGoldrick;
Rossoff; Schlichtmann; Stephenson;
Villa.
Staff Present: Wolf.

Commissioner How appeared on the record at 5:55 p.m.;
Commissioner Carrico appeared at 6:25 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 14, 1991 with the
following correction: the motion regarding 2340
Vallejo Street #A (L001-84A) should read "To
remand the case solely on the issue of liability
for the owner." (McGoldrick/Marshall: 5-0)

IV. Executive Session

The Commissioners went into Executive Session pursuant to
Government Code Section 54957 from 5:40 p.m. to 6:20 p.m. to
discuss personnel matters.

V. Consideration of Appeals

A. 3178 and 3812 Mission St. L001-77A

At the Board meeting of May 7, 1991, this case was continued in
order to procure an audible tape recording of the proceeding.
By memo dated May 16, 1991 staff informed the Commissioners and
the parties that the latter portion of the recording cannot be
made loud enough and therefore recommended that the case be
remanded. Since the Commissioners apparently did not receive
the memo, the following motion was passed:

MSC: To further continue this matter to the June 4,
1991 Board meeting. (How/Marshall: 5-0)

B. 810 Eddy St. #503

L001-85A

Due to decreased housing services, the tenant received a four-month rent reduction to correspond with the lack of a functional heating system. On appeal, the landlord maintains that the hearing officer was mistaken, and that the rent reduction should be for no more than two months.

MSC: To excuse Commissioner Rossoff from consideration of this appeal. (Rossoff/How: 5-0)

MSC: To deny the appeal. (Marshall/McGoldrick: 5-0)

C. 581 Natoma St. #B

L001-86A

By decision issued on October 3, 1990, the tenant received rent reductions based on substantially decreased housing services, or the landlord's failure to provide services reasonably expected under the circumstances. The landlords failed to appear at the hearing on August 6, 1990 and allege on appeal filed on May 1, 1991 that the notice was sent to the wrong mailing address.

MSF: To remand the case for a new hearing.
(Carrico/How: 2-3; Astle, Marshall, McGoldrick dissenting.)

MSC: To deny the appeal. (Marshall/McGoldrick: 3-2; Carrico, How dissenting.)

D. 3010 Fulton Street #9

L001-87A & L001-82R

This building suffered extensive damage as a result of the October 1989 earthquake, and underwent seismic retrofit and repair work. The tenants received rent reductions for disruptions in their housing services during the renovation period, and an on-going reduction in base rent due to a conversion to steam heat. The tenants appeal on the grounds that the rent reductions were wholly inadequate; and that items determined to be mere inconveniences actually constituted decreased housing services. The landlord also appeals maintaining that accidental service disruptions are unavoidable during construction and alleging hardship.

MSC: To deny both the tenants' and the landlord's appeals. (Marshall/Carrico: 5-0)

VI. Communications

The Commissioners received a breakdown of the Rent Board's estimated costs for implementing vacancy control in the first year, and had a brief discussion of the proposed legislation's staffing implications and costs. The Board also received several memoranda regarding personnel matters.

0087M

VII. Director's Report

A. In Executive Director Grubb's absence, Rent Unit Supervisor Delene Wolf informed the Commissioners that on Wednesday, May 22nd, the Deputy Director will provide a training session for pro bono attorneys on problems encountered at Rent Board hearings and the Executive Director will be discussing vacancy control implementation at a S.P.U.R. lunch.

B. Additionally, the Commissioners were informed that they are eligible to receive City health benefits, and information regarding the various plans will be provided to them.

VIII. Old Business

Proposed Amendments to Rules and Regulations

A. The Board received proposed amendments to Rules and Regulations Sections 4.10 and 4.12 concerning rent increases, to conform with amendments to Ordinance Section 37.3(a), and to Rules and Regulations Sections 7.10(b), 7.12(a), 1.16 and 8.12 to clarify that capital improvement and rehabilitation costs reimbursed by insurance proceeds shall not be certified for purposes of capital improvement passthroughs or substantial rehabilitation exemptions. The Commissioners passed the following motion:

MSC: To approve the proposed regulation changes for Public Hearing. (How/Hammill: 5-0)

B. The Board also briefly discussed draft proposed regulations regarding the passthrough of water penalty charges (NEW Section 4.13), and passed the following motion:

MSC: To approve the proposed regulations, with suggested changes, for Public Hearing.
(How/Astle: 5-0)

IX. Calendar Items

May 28th, 1991 - NO MEETING

June 4, 1991

3 appeal considerations (2 cont. from prior meetings)
6:00 Public Hearing: Proposed Rules Amendments.

June 11, 1991

Appeal consideration(s)
Proposed Ordinance Changes

IV. Executive Session (cont.)

The Commissioners went back into Executive Session pursuant to Government Code Section 54957 to discuss personnel matters from 7:15 p.m. to 7:55 p.m.

X. Adjournment

President Astle adjourned the meeting at 7:55 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

NOTICE OF OPEN RECORD
FOR WRITTEN SUBMISSION OF COMMENTS
TO PROPOSED RULES CHANGES

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

At 6:00 p.m. on June 4, 1991, the Rent Board Commissioners held a Public Hearing to invite public comment on proposed changes to amend the Board Rules and Regulations noted below.

THE COMMISSIONERS WILL HOLD THE RECORD OPEN TO 1 P.M. ON TUESDAY JUNE 18, 1991, FOR WRITTEN COMMENTS BY INTERESTED PARTIES. Please have all written comments to the Rent Board Office by that date and time. (It would be helpful to have 10 copies for the Commissioners.)

PROPOSED CHANGES

DOCUMENTS DEPT.

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- Part 1 DEFINITIONS
 - Section 1.16 - Substantial Rehabilitation
- Part 2 BOARD ORGANIZATION AND PROCEDURES
 - Section 2.13 - Board Meetings
- Part 4 RENT INCREASES NOT REQUIRING APPROVAL BY THE RENT BOARD
 - Section 4.10 - Notice
 - Section 4.12 - Banking
 - Section 4.13 - [NEW] Charges Related to Excess Water Use
- Part 7 LANDLORD APPLICATIONS FOR CERTIFICATION OF CAPITAL IMPROVEMENTS, REHABILITATION, AND/OR ENERGY CONSERVATION WORK
 - Section 7.10 - Filing
 - Section 7.12 - Allocation of Cost of Improvements or Work to Individual Units
- Part 8 LANDLORD APPLICATION FOR CERTIFICATION OF SUBSTANTIAL REHABILITATION
 - Section 8.12 - Application for Certification
- Part 11 HEARINGS
 - Section 11.13 - Postponements
- Part 12 LEGAL ACTIONS UNDER ORDINANCE SECTION 37.9(e)
 - Section 12.14 - Evictions under Section 37.9(a)(8)

The full text of the draft proposed amendments is available at the Rent Board Office at 25 Van Ness Avenue, Room 320, Monday through Friday from 8:30 a.m. to 5:00 p.m.

0091M



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, June 4, 1991 at 5:30 p.m. at
City Hall, Room 282, Van Ness Avenue Entrance

I. Call to Order

President Astle called the meeting to order at 5:37 p.m.

II. Roll Call

Commissioners Present:	Astle; How; Marshall; Stephenson; Villa.
Commissioners not Present:	McGoldrick; Rossoff.
Staff Present:	Grubb; Wicks.

Commissioner Schlichtmann appeared on the record at 5:47 p.m.; Commissioner Hammill at 5:55 p.m.; and Commissioner Carrico at 6:04 p.m. Commissioner Astle went off the record at 6:45 p.m.

III. Approval of the Minutes

MSC: To approve the minutes of June 4, 1991 as corrected with the deletion of the correction of the minutes of May 21, 1991. (Marshall/How: 3-0)

IV. Consideration of Appeals

A. 3178 & 3182 Mission St. L001-77A
(contd. from 5/7 & 5/21/91)

The hearing officer certified capital improvement passthroughs for earthquake repair, new carpet, and new linoleum. The labor costs claimed by the landlord were denied because they were inadequately documented. Costs for the emergency water main replacement and the partial replacement of the back stairs were denied on the basis of deferred maintenance, unclear documentation, and because they were routine repair and maintenance. The landlord appealed, asserting that the documentation submitted was adequate.

The appeal was continued in order to get a new copy of the tape recording of the hearing to provide a full record for the tenant's review and response. After attempting unsuccessfully to amplify the partially audible tape, staff recommended that the matter be remanded for a new hearing based on the inadequacy of the recorded record.

MSC: To remand for a new hearing.
(Marshall/How: 3-0)

B. 16 Hill St. #1

L001-81R

This tenant petitioner claimed decreased services and failure to maintain on property cited for code violations under the prior owners. The City brought legal action to order the current landlords to abate the conditions. Of the remaining violations which have not been corrected, the tenant petitioned for the following: lack of interior handrail; unsecure exterior door; inadequate plumbing, including insufficient hot water.

The hearing officer deferred a portion of a banked rent increase for the landlord's failure to maintain. Although the hearing officer ruled that some of the problems constituted decreased services, she held that the landlord's first notice of these problems was at the hearing. On appeal the tenant contends that long-standing BBI citations and later abatement proceedings constitute sufficient notice to the landlords. The tenant further objected to the hearing officer's failure to rule on common area service decreases.

MSC: To remand the case for further hearing before the hearing officer with instructions that if it is found that failures to repair exist, the entire rent increase should be deferred; findings on failure to repair and decreased services should be made on each item raised in the petition; that the stipulated judgment is sufficient notice for decreased services on the plumbing issue.
(Marshall/How: 3-0)

C. 4626 Fulton St.

L001-83R

The hearing officer found in favor of the tenant on a failure to repair claim but did not grant rent reductions for alleged decreased services since the landlord had made timely repair attempts. On appeal the tenant argued that the decreases were substantial and repairs were not timely.

MSC: To uphold the hearing officer and deny the appeal. (How/Marshall: 3-0)

V. Communications

The Board received the following communications:

A. A joint memo from the Executive Director and Shop Steward concerning the flex-time proposal for counselors and clerical support staff;

B. A letter from the Executive Director to the Health Service System Director relating to possible health benefits for the Commissioners;

C. A letter of appreciation from the Shop Steward to the Executive Director for his help in arriving at a flex-time proposal;

D. An announcement to not-for-profit tenant service providers notifying them of a workshop on June 21, 1991.

VI. Director's Report

A. The Director reported on current outreach activities: the Deputy Director appeared as guest teacher as President Astle's State College class on administrative law for paralegals; the Executive Director spoke at the Golden Gate University public administration night school class; and the counselling staff will present a series of workshops for landlords and tenants.

B. The Director discussed the health benefits possibilities for the Commissioners.

VII. Calendar Items

June 11, 1991

2 appeal considerations

Old Business: Proposed Ordinance Changes

June 18, 1991

3 appeal considerations

Old Business: Proposed Rules and Regulations changes

June 25, 1991 - NO MEETING

VIII. Public Hearing

Four members of the public--representing both landlord and tenant viewpoints--discussed the following proposed Rule changes: Sec. 1.16; 4.10 and 4.12; 7.12; 8.12; and 12.14. The speakers requested that the Board leave the matter open for two weeks for written comments.

IX. Old Business

The Board went into Executive Session at 6:30 p.m. pursuant to Government Code Section 54957 to discuss personnel matters. They concluded the Executive Session at 7:10 p.m.

X. Adjournment

Vice President Hammill adjourned the meeting at 7:11 p.m.



NOTICE OF PUBLIC HEARING

ART AGNOS
MAYORJOSEPH GRUBB
EXECUTIVE DIRECTORRUTH ASTLE
PRESIDENTVIVIAN HAMMILL
VICE-PRESIDENT

THE RENT BOARD COMMISSIONERS INVITE THE PUBLIC TO COMMENT ON
PROPOSED CHANGES TO AMEND* THE FOLLOWING BOARD RULES AND
REGULATIONS.

- | | |
|----------------------|--|
| Part 1 | DEFINITIONS |
| Section 1.16 - | <u>Substantial Rehabilitation</u> |
| Part 2 | BOARD ORGANIZATION AND PROCEDURES |
| Section 2.13 - | <u>Board Meetings</u> |
| Part 4 | RENT INCREASES NOT REQUIRING APPROVAL BY
THE RENT BOARD |
| Section 4.10 - | <u>Notice</u> |
| Section 4.12 - | <u>Banking</u> |
| Section 4.13 - [NEW] | <u>Charges Related to Excess Water Use</u> |
| Part 7 | LANDLORD APPLICATIONS FOR CERTIFICATION OF
CAPITAL IMPROVEMENTS, REHABILITATION,
AND/OR ENERGY CONSERVATION WORK |
| Section 7.10 - | <u>Filing</u> |
| Section 7.12 - | <u>Allocation of Cost of Improvements or Work
to Individual Units</u> |
| Part 8 | LANDLORD APPLICATION FOR CERTIFICATION OF
SUBSTANTIAL REHABILITATION |
| Section 8.12 - | <u>Application for Certification</u> |
| Part 11 | HEARINGS |
| Section 11.13 - | <u>Postponements</u> |
| Part 12 | LEGAL ACTIONS UNDER ORDINANCE SECTION
37.9(e) |
| Section 12.14 - | <u>Evictions under Section 37.9(a)(8)</u> |

*		*
*	DATE:	JUNE 4, 1991
*		
*	TIME:	6:00 P.M.
*		
*	PLACE:	CITY HALL, ROOM 282
*		VAN NESS AVENUE ENTRANCE
*		SAN FRANCISCO, CALIFORNIA
*		

* The full text of the draft proposed amendments are
available at the Rent Board Office at 25 Van Ness Avenue, Room
320, Monday through Friday from 8:00 a.m. to 5:00 p.m.
0135F



ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
June 4, 1991

City Hall, Room 282, Van Ness Ave. Entrance

AGENDA

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

NOTE NEW LOCATION FOR THIS MEETING ONLY

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 3178 & 3182 Mission St. L001-77A
(cont. from 5/7 and 5/21/91)
 - B. 16 Hill St. #1 L001-81R
(inadvertently not scheduled for 5/21/91)
 - C. 4626 Fulton St. L001-83R
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- X. New Business
- 6:00 Public Hearing - proposed Rules and Regulations changes.
- IX. Old Business (Cont'd)
 - Executive Session - Personnel Matter
Govt. Code Section 54957
- XI. Calendar Items
- XII. Adjournment

0088M

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



SF
R52

#2

6/11/91

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, June 11, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:40 p.m.

II. Roll Call

TIM CARRICO

MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

Commissioners Present:

Astle; Hammill; How;
Rossoff; Schlichtman;
Stephenson.

Commissioners not Present:

Carrico; Marshall;
McGoldrick; Villa.
Grubb; Wolf.

Staff Present:

DEPOSITORY ITEM
DOCUMENTS DEPT.

III. Approval of the Minutes

MSC: To approve the Minutes of June 4, 1991 as
written. (How/Hammill: 4-0)

JUN 11 1991
SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Rossoff abstained from voting as he had not
been at the June 4th meeting.

IV. Consideration of Appeals

A. 320 32nd Avenue

The landlord appeals the hearing officer's decision granting
significant rent reductions due to substantially decreased
housing services and the landlord's failure to provide services
reasonably expected under the circumstances. The landlord
maintains in his appeal that the hearing officer's facts are
erroneous; that many of the repairs have been effectuated; and
that the hearing officer erred in going back to January 1988 for
commencement of the rent reductions.

MSC: To uphold the hearing officer and deny the
appeal. (How/Stephenson: 5-0)

B. 330 Scott Street

L001-89A

The original decision in this case granted \$7,000.00 in rent
overpayments refunded to the tenant due to null and void rent
increases imposed since March 1987, during a period prior to
ownership by the current landlords. On appeal, the landlords

alleged that the property had been exempt during the period in question and the Commissioners remanded the case on the jurisdictional issue only. On remand, the hearing officer found that ownership had been established, but residency had not. The landlords now appeal the remand decision, asserting that the requisite burden of proof to establish owner occupancy has been carried.

MSC: To accept the appeal and schedule a Board hearing with oral argument limited to twenty minutes per side. (Rossoff/How: 5-0)

V. Communications

The Commissioners received a new staff roster and a letter regarding personnel matters that will be discussed during the Executive Session scheduled for next week's meeting.

VI. Directors Report

Executive Director Grubb informed the Commissioners that a notice will be sent to the public alerting them to the Board's new flex time hours. He also stated that a Supplemental Budget Request will be going to the Board of Supervisors related to the implementation of the vacancy control legislation signed by the Mayor on June 10th.

VII. Remarks from the Public

Wing Jang, the landlord at 320 32nd Avenue, addressed the Board regarding the denial of his appeal.

VIII. Calendar

June 18, 1991

3 appeal considerations

Executive Session: Personnel matters

Old Business: Proposed Rules and Regulations Changes
Proposed Ordinance changes

June 25, 1991 - NO MEETING

July 2, 1991

6:00 Appeal hearing: 330 Scott St. L001-89A (acct. 6/11/91)

IX. Adjournment

President Astle adjourned the meeting at 6:00 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

SF
R52
#1

6/18/91

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

June 18, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

- I. Call to Order
 - II. Roll Call
 - III. Approval of the Minutes
 - IV. Old Business
 - A. Personnel Committee - Executive Session
Govt. Code Section 54957
 - V. Remarks from the Public
 - VI. Consideration of Appeals
 - A. 23 Virginia St. L001-84R
 - B. 436 Haight St. #A L001-85R
 - C. 1100 Gough St. #10D L001-86R
 - VII. Communications
 - VIII. Director's Report
 - IX. Consideration of Allegations of Wrongful Evictions
 - IX. Old Business (cont'd)
 - B. Proposed Rules and Regulations changes.
 - C. Proposed Ordinance changes.
 - XI. Remarks from the Public (cont.)
 - XII. Calendar Items
 - XIII. Adjournment
- 0093M

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RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, June 18, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB

***** EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present:	Astle; Carrico; Hammill; Marshall; McGoldrick; Rossoff; Stephenson; Villa.
Commissioners not Present:	How; Schlichtman.
Staff Present:	Grubb; O'Hearn.

III. Approval of the Minutes

MSC: To approve the Minutes of June 11, 1991 as
corrected. (Rossoff/Marshall: 5-0)

IV. Consideration of Appeals

A. 23 Virginia St. L001-84R

The tenant appeals the conciliation agreement reached during the hearing because she felt she was under pressure at that time.

MSW: To deny the appeal. (Rossoff/Villa)

MSC: To accept the appeal and remand the case for
another hearing before another hearing officer.
(McGoldrick/Villa: 5-0)

B. 436 Haight St. #A L001-85R

The tenant appeals the dismissal of his petition based on his failure to appear at the hearing because he mistakenly believed that the hearing would be held at 10:00 a.m. instead of 9:00 a.m. as indicated on the Notice of Hearing mailed on April 5, 1991.

MSC: To excuse Commissioner Rossoff from
consideration of this appeal. (Villa/Marshall:
5-0)

MSC: To deny the appeal. (McGoldrick/Villa: 4-0)

C. 1100 Gough St. #10D L001-86R

The tenant's petition was dismissed due to the tenant's failure

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to appear at any of the three hearings and her failure to designate an authorized representative or to request a postponement of any of the hearings. The tenant appeals because her work schedule did not permit her to attend any of the hearings.

MSC: To deny the appeal. (Rossoff/Villa: 5-0)

V. Communications

A. The Commissioners received and approved the Decision on Appeal for 547 Texas Street, Appeal No. L001-71A heard on May 14, 1991.

B. The Commissioners received May 1991 Rent Board statistics.

VI. Director's Report

The Executive Director reported on action taken by the Board of Supervisors Finance Committee concerning the 1991-92 Rent Board budget.

VII. Old Business

A. Proposed Amendments to Rules and Regulations

The Board received no written comments following its Public Hearing on June 4, 1991 concerning proposed amendments to Rules and Regulations. The Commissioners discussed additional changes to Section 4.12 to retain subsection (c), renumbered (b), with the proviso that failure to include banking information shall not render the increase null and void.

MSC: To adopt the amendments to Rules and Regulations Sections 1.16, 2.13, 4.10, 4.12 as amended, 4.13, 7.10, 7.12, 8.12, 11.13 and 12.14. (Marshall/Villa: 5-0)

B. Proposed Ordinance Changes

After some discussion, this matter was continued to the next meeting.

VIII. Calendar Items

June 25, 1991 - NO MEETING.

July 2, 1991

3 Appeal Considerations (including 3 consolidated)
6:00 Appeal hearing: 330 Scott St. L001-89A (accpt. 6/11/91)
Old Business: Outreach Committee

VII. Old Business (cont.)

C. Personnel Matters

Pursuant to Government Code Section 54957, the Commissioners went into Executive Session with the Director from 6:25 p.m. until 8:30 p.m.

IX. Adjournment

President Astle adjourned the meeting at 8:30 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

July 2, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

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TIM CARRICO

MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A. 1532 - 10th Ave.

B. 1100 Gough St.

C. 600 Haight St.

L001-90A & L001-87R

L001-88R, L001-91A and

L001-89R through L002-02R

L001-92A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A. Proposed Ordinance changes

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing

6:00 330 Scott St.

L001-89A

(accepted 6/11/91)

XII. Calendar Items

IX. Old Business (cont.)

B. Outreach Committee

XIII. Adjournment

0095M



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, July 2, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

I. Call to Order

Vice President How called the meeting to order at 5:35 p.m.

TIM CARRICO

MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

II. Roll Call

Commissioners Present:

How; Marshall; McGoldrick;
Schlichtmann; Stephenson.

Commissioners not Present:

Astle; Hammill; Villa.

Staff Present:

Grubb; Wolf.

Commissioner McGoldrick appeared on the record at 5:37 p.m.;
Commissioner Rossoff appeared at 5:47 p.m. Commissioner Carrico
arrived at 6:00 p.m. and left the meeting at 6:15 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of June 18, 1991 as
written. (Marshall/Schlichtmann: 3-0)

IV. Consideration of Appeals

A. 1532 10th Avenue

L001-90A and L001-87R

The landlord and tenant appeal the hearing officer's decision
granting a capital improvement pass-through and refunding rent
overpayments. The landlord appeals the hearing officer's
requirement that new 30-day notice be issued, asserting that the
statement that the increase is effective "upon Rent Board
approval" is legally sufficient. The tenant appeals the hearing
officer's determination that notices that failed to drop capital
improvements that had been paid off were not null and void in
their entirety.

MSC: To deny the tenant's appeal.
(Schlichtmann/Marshall: 4-0)

MSC: To deny the landlord's appeal.
(Marshall/McGoldrick: 5-0)

B. 1100 Gough Street

L001-91A, L001-88R and
L001-89R through
L002-02R

Twenty-two tenants filed petitions alleging improper utility passthroughs, service reductions and the landlord's failure to repair, and were granted rent reductions due to inadequate entry system and elevator service only. The tenants appeal the hearing officer's findings regarding the propriety of the utility passthrough and the denial of many of their habitability claims. The landlord alleges on appeal that the rent reductions granted for the entry system and elevator service were unsupported by the evidence.

MSC: To excuse Commissioner McGoldrick from
consideration of this appeal.
(Marshall/Schlichtmann: 4-0)

MSC: To remand the case to the same hearing officer
with instructions that the PG&E passthrough must
be recalculated every year or dropped; to deny
the appeals as to all other issues.
(Marshall/Rossoff: 4-0)

C. 600 Haight St.

L001-92A

The Hearing Officer determined null and void increases of \$1,300. The landlord appeals maintaining that the property is exempt because it is live-work space, and that the owner occupancy exemption does not necessarily terminate upon the death of the owner.

MSC: To uphold the hearing officer and deny the
appeal. (Marshall/McGoldrick: 5-0)

V. Appeal Hearing

330 Scott Street

L001-89A

This appeal was accepted for hearing solely on the issue of owner occupancy. The hearing officer's original and remand decisions found that the owner had established that the property was used as a mailing address, but not a principal place of residence. Therefore \$7,150.00 in rent overpayment determined due to null and void rent increases. The hearing commenced at 6:15 p.m. with the tenant and two witnesses present; the former landlord was in attendance with his attorney and two witnesses.

Following testimony and the submission of evidence, the hearing was closed at 7:40 p.m. The Commissioners discussed the case and approved the following motion:

MSC: To find that the subject property was the landlord's primary principal place of residence and exempt from Rent Ordinance jurisdiction; therefore, the hearing officer's remand decision is overturned. (Rossoff/How: 4-1; McGoldrick dissenting)

VI. Director's Report

Executive Director Grubb went over the Department's management objectives for the next fiscal year. He also reported on the all-staff meeting held on June 27th.

VII. Calendar

July 9, 1991

3 appeal considerations

Old Business: Outreach Committee

July 16, 1991

3 appeal considerations

Old Business

A. Outreach Committee

B. Ordinance Changes

July 23, 1991 - NO MEETING -

VIII. Adjournment

Vice-President How adjourned the meeting at 8:00 p.m.

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

July 9, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO

MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A. 2040-2044 Larkin St.

L001-93A

B. 3235 Gough St. #304

L001-94A

C. 1737 Chestnut St. #7

L002-03R

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

Outreach Committee

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing

XII. Calendar Items

XIII. Adjournment

0097M

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RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD

JULY 9, 1991

THE MINUTES FOR THIS MEETING ARE MISSING



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, July 16, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

I. Call to Order

President Astle called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present:	Astle; Hammill; How; McGoldrick; Schlichtmann; Villa.
Commissioners not Present:	Marshall; Rossoff; Stephenson.
Staff Present:	O'Hearn; Wicks.

Commissioner Carrico appeared on the record at 5:35 p.m.
Commissioners Astle, Hammill, How, and Schlichtmann went off
the record at 7:13 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 9, 1991 as
written. (McGoldrick/Hammill: 4-0)

IV. Remarks from the Public

Al Goodwin stated that he, as the designated agent on
petitions/appeals, has not always received notices of
hearings/appeal considerations.

V. Consideration of Appeals

A. 563 Capp St. #4 L001-95A

The landlord appeals the determination of \$4,484.82 in rent
overpayments resulting from an illegal rent increase imposed
by the prior owner in 1982. He further argues that the
tenant had signed an estoppel agreement in 1989, stating
that he had no claims against the prior owner, and that this
agreement should prohibit the tenant from claiming illegal
rent increases.

MSC: To accept the case for Board hearing solely
on the issue of fairness to the parties.
(Carrico;/How: 4-0)

B. 52-60 Salmon St.

L001-96A

The landlord appeals the hearing officer's decision in which some of the capital improvement claims were denied for lack of proof of costs and payment; some improvement costs were reduced to correspond to the documented proof that was submitted; and illegal rent increases for capital improvements not petitioned for were declared null and void. The landlord objects to the exclusion of certain illegible evidence, believes that particular arrangements for payment (e.g. offering a car as partial payment for painting) should be honored, and challenges the determination of null and void increases not raised by the tenants.

MSC: To accept the case for hearing before the Board solely for review of the duration of rent offsetting in consideration of the interests of fairness and justice. (McGoldrick/Carrico: 4-0)

C. 1290 - 3rd Ave.

L001-97A

The hearing officer's decision granting a 25% rent reduction for construction-related factors, while denying other claims, was appealed by the landlord. For approximately seven months extensive remodeling work was done in the unit below the tenants', with little or no notice of entry into the subject tenants' unit, utilities shut-off, noxious fumes, or substantial noise. The landlord offered no guidance as to the extent and duration of the construction project, despite repeated requests by the tenants. Two of the tenants work in their apartment and found their ability to work seriously diminished by these conditions. On appeal the landlord argues that at most 25% of the remodeling could have interfered with the tenants' use of their apartment.

MSC: To uphold the hearing officer and deny the appeal. (McGoldrick/How: 4-0)

VI. Considerations of Allegations of Wrongful Eviction

Staff Report:

A. 185-A Leland Ave.

L002-52E

The tenant has lived in her two-bedroom house since 1974. There is a history of illegal rent increases, citations for habitability problems, and eviction attempts by two real estate brokers, Canas and Lacayo. Although the evictions were purportedly for owner-occupancy, there is a purchase agreement that states that the property was being purchased for investment purposes. Further, the property was for sale at the time that one of the owners attempted to evict for the occupancy of his father, broker Lacayo.

The tenant filed successfully with the Rent Board on several occasions and filed a BBI complaint that resulted in citations--including a demand for removal of a nonconforming unit--and later hearings on the property. Less than three weeks after the landlords received the BBI

citation, the tenant received a termination notice for broker Canas' occupancy. Mr. Canas has resided for 24 years in a four-bedroom rental unit. For some time he has lived there with his wife, adult daughter, and grandchild, to live in the tenant's 2-bedroom unit. Another adult daughter may move in with the family soon.

RECOMMENDATION: To monitor the UD action that was filed, with the possibility of further Rent Board legal action. The Commissioners are requested to write brokers Canas and Lacayos strong cautionary letters concerning the questionable manner in which this matter has been handled.

B. 3317 Army St.

L002-64E

It was the consensus of the Board to put this matter over to the date the landlord's recently-filed appeal is considered.

C. 835 Cole St. #4

L002-66E

The tenant in this case filed several petitions regarding illegal rent increases and decreased housing services. Shortly thereafter the landlord prepared a termination notice for the occupancy of his brother. The property was up for sale at the time.

The tenant alleged retaliation for the various petitions filed, and the fact that the property was on the market suggested that the landlord's brother could not guarantee his continuing occupancy after sale. The landlord has accepted rent beyond the notice period.

RECOMMENDATION: Because there is no outstanding termination notice in effect and the tenant is ably represented by counsel, the Board should monitor the case only. If the landlord continues to proceed improperly, the Board should consider further action.

MSC: To adopt the recommendations in both cases.
(How/McGoldrick 4-0)

VII. Communications

The Board received the following communications:

A. A letter from the tenants concerning the case for consideration at 563 Capp St. #4;

B. The Hearing Officer's response for the case for 52-60 Salmon St.;

C. The Appeal Decision for 330 Scott St., which was approved and signed;

D. The Rent Board statistics for June 1991;

E. Several documents concerning proposals relating to Unreinforced Masonry Buildings.

VIII. Director's Report

The Deputy Director advised the Commissioners as follows:

A. Clerical staff member Le Huynh has returned from parental leave;

B. Hearing Officer Rennika Pickman-Thoon, who recently went on parental leave, had her baby over the weekend. She will be replaced during her leave by former contract Hearing Officer Nancy Conway;

C. The scheduling of cases has slowed because of Hearing Officer leave of absence and clerical staff shortages. A former contract Hearing Officer, Sam Haskins, will assist in hearing four cases as a hearing officer pro tem, on a pro bono basis.

IX. Old Business

A. The discussion of proposed Ordinance changes was continued to July 23rd since not all Commissioners were present.

IV. Remarks from the Public (cont.)

Al Goodwin inquired about the Rent Board's position on various aspects of the pending vacancy control ordinance. He was informed that at this time the Board has no position, given the impending stay of the ordinance pursuant to the landlords' ballot referendum.

X. Calendar Items

July 23, 1991 - *NO MEETING*

July 30, 1991

2 appeal considerations

6:00 Appeal Hearing: 563 Capp Street #4 [L001-95] (acpt. 7/16/91)
Old Business: Proposed Ordinance Amendments
Outreach Committee
Personnel Committee---Executive Session

August 6, 1991

6 appeal considerations

6:00- Appeal Hearing: 52-60 Salmon St. [L001-96A] (acpt. 7/16/91)

IX. Old Business (cont.)

B. Personnel Matters

Pursuant to Government Code Section 54957, the Commissioners went into Executive Session from 6:30 p.m. to 7:12 p.m.

C. Outreach Committee

The Outreach Committee convened at 7:13 p.m. in Regular Session to discuss outreach activities.

XI. Adjournment

Commissioner McGoldrick adjourned the meeting at 8:02 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
July 30, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 1536 Great Hwy. #38
 - B. 1290 Grove St. #201
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
 - A. Proposed Ordinance Amendments
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing
 - 6:00 563 Capp St. #4
- XII. Calendar Items
- IX. Old Business (cont.)
 - B. Personnel Matters - EXECUTIVE SESSION
Pursuant to Government Code Section 54957
 - C. Outreach Committee
- XIII. Adjournment

L002-04R
L001-98A

L001-95A
(accepted 7/16/91)

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RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, July 30, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Marshall;
Rossoff; Schlichtmann;
Stephenson; Villa.
Staff Present: Grubb; Wicks.

Commissioner McGoldrick appeared on the record at 5:35 p.m., and
Commissioner Carrico appeared at 5:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 16, 1991.
(How/Rossoff: 5-0)

IV. Consideration of Appeals

A. 1536 Great Highway #38 L002-04R

The tenant appeals the hearing officer's decision denying a decrease in rent for the landlord's taking away garage/parking spaces. The tenant originally had an uncovered courtyard parking spot. Following the landlord's removal of that parking, the tenant temporarily was allowed to use a carport space in an adjoining property, allegedly in exchange for maintenance work. Later the landlord made another uncovered parking spot available--which was less pleasing to the tenant--after relieving him of maintenance duties. The tenant disagrees with the hearing officer's ruling that there was not a significant difference in the replacement space.

MSC: To remand to the hearing officer for a finding on the decrease in service and a determination of the value of that service. (Rossoff/How: 5-0)

B. 1290 Grove St. #201 L001-98A

The tenant filed a petition based on decreased housing services for stuck and cracked windows, as well as mice, flea, and rodent infestation. Both BBI and the Department of Health issued citations. On appeal the landlord challenges the \$45.00 per month

reduction for pest problems and stated that commercial pest service to the unit would cost less than \$5.00 per month.

MSC: To uphold the hearing officer and deny the appeal.
(Marshall/McGoldrick: 5-0)

V. Communications

The Commissioners received the following communications:

A. A letter in support of the appeal on 1536 Great Highway #38;

B. A letter from the appealing tenant at 1737 Chestnut St. #7, asking that the Board reconsider the denial of her appeal. The Board directed that a letter be sent the tenant, informing her that they are legally unable to reconsider appeals;

C. An extensive packet of Rent Board statistics.

VI. Director's Report

Executive Director Joe Grubb reported on the following:

Citizen Complaint Officers Doris Charles and Pedro Ruiz recently gave a well-received talk on the Rent Board and rent laws at the Chinese Newcomers Service Center.

VII. Consideration of Allegations of Wrongful Eviction

Staff Report: Update on District Attorney Referrals

A. District Attorney Case Number 91-03-38612
Rent Board Case L001-81E / 3582 - 20th St.

Following referral by the Commissioners and the Eviction Unit of the case to the District Attorney in March 1991, the D.A.'s office initiated an investigation of this matter. On July 26, 1991, the District Attorney's office wrote the landlords, informing them of (1) the apparent violations of tenants' rights, both under the Rent Ordinance and the California Business and Professions Code; (2) the possible criminal and civil penalties for such violations; and (3) the intention of the District Attorney to closely monitor all future landlord-tenant actions concerning this or any other property under the management of these owners. The behavior of the landlord's attorney also was cited as improper.

B. District Attorney Case Number 91-03-38611
Rent Board Case L001-53E / 1304 - 18th Street #2

The District Attorney's office also investigated this matter following referral by the Rent Board Commissioners and Eviction Unit. A letter from the D.A. to the landlords (1) cited violations of both the Ordinance and Rules and Regulations, as well as the

possibility that the landlords' actions constituted unfair or unlawful business practices under the California Business and Professions Code; (2) informed the landlords of the possible penalties involved in the noted violations; (3) stated that although the Unlawful Detainer action had been settled, the D.A. would confer with the Rent Board to decide if charges should be filed; and (4) all future landlord-tenant matters in which these owners are involved will be closely monitored by the District Attorney.

It was the consensus of the Board to send a letter of commendation concerning legal intern Moana Kutsche, who worked closely with the Eviction Unit Supervisor in investigating these cases. It was also the consensus of the Commissioners to write an admonishing letter to the attorney who represented the landlords in both of the cases.

VIII. Old Business

A. Proposed Ordinance Amendments

Until draft language is prepared by interested Commissioners, it was asked that this item be removed from the agenda.

IX. Calendar Items

August 6, 1991

7 appeal considerations

6:00- appeal hearing: 52-60 Salmon St. L001-96A (acct. 7/16/91)

August 13, 1991

7 appeal considerations

August 20, 1991

7 appeal considerations

X. Appeal Hearing

563 Capp Street #4

L001-95A

The landlord appealed the hearing officer's determination that \$4,484.82 in rent overpayments resulted from an illegal rent increase imposed by the prior owner in 1982. He further argued that since the tenants had signed an estoppel agreement in 1989--stating that they had no claims against the prior owner--this agreement should prohibit the tenants from claiming illegal rent increases. The Board voted to accept the case for hearing solely on the issue of fairness to the parties.

At the hearing before the Commissioners the landlord represented himself, and the tenants were accompanied by an interpreter. The owner repeated his arguments raised on appeal and testified that allowing the full reduction would cause him a financial hardship. The tenants, through their interpreter and a written statement, challenged the owner's contention that he had no information or knowledge of the details of the tenancy prior to his ownership,

since the previous owner was the landlord's father. The tenants further asserted that the estoppel agreement was signed under duress and that the tenant signing could not read English and did not understand the nature of the document. The Commissioners asked the tenants if they would agree to reduce the overpayment offset by paying half rent for approximately three years, rather than no rent for approximately one and one-half years, with the landlord being entitled to any legal increases during this time. The tenants and landlord stipulated to this arrangement. Following testimony and discussion, the Board voted as follows:

MSC: To accept the stipulation that the tenants pay one-half the legal base rent until the \$4,484.82 rent overpayment is satisfied.
(How/McGoldrick: 5-0)

VIII. Old Business (cont.)

B. Outreach Committee Report

Committee Chair McGoldrick reported on the efforts of the Outreach Committee in working on an informational pamphlet about the Rent Board's functions, to include work on vacancy control information should it be needed.

C. Personnel Matters

Pursuant to Government Code Section 54957, the Commissioners went into Executive Session from 6:30 p.m. to 7:50 p.m.

XI. Adjournment

President Astle adjourned the meeting at 7:52 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
August 6, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

7/30/91
JOSEPH GRUBB
EXECUTIVE DIRECTOR

- TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA
- I. Call to Order
 - II. Roll Call
 - III. Approval of the Minutes
 - IV. Remarks from the Public
 - V. Consideration of Appeals

A.	420 Haight St.	M001-01R
B.	474 - 19th Ave.	M001-02R
C.	133 Buchanan St.	M001-01A
D.	1818 Hyde St.	M001-02A
E.	136-144 Noe St.	M001-04A
F.	540 Stockton St. #9	M001-03A
G.	890 Page St. #2	M001-03R

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing
- 6:00 52-60 Salmon St. L001-96A (accpt. 7/16/91)
- XII. Calendar Items
- IX. Old Business (cont.)
- Outreach Committee
- XIII. Adjournment
- 0103M

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RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, August 13, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Commissioner Rossoff called the meeting to order at 5:37 p.m.

II. Roll Call

Commissioners Present: Rossoff; Schlichtmann;
Stephenson; Villa.
Commissioners not Present: Astle; Hammill; How;
McGoldrick.
Staff Present: Grubb; O'Hearn.

Commissioner Marshall appeared on the record at 5:39 p.m.
and Commissioner Carrico appeared at 5:46 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 6, 1991 as
corrected on page 2 to reflect that the
remand hearing for 474 - 19th Ave. is on the
issues raised on appeal.
(Schlichtmann/Villa: 4-0)

IV. Consideration of Appeals

A. 737 Pine St. M001-05A

MSC: To excuse Commissioner Stephenson from
consideration of this appeal.
(Villa/Schlichtmann: 4-0)

The hearing officer granted the landlords' petition based on
increased operating expenses, but found that evidence of the
rent increase histories insufficient to determine whether
any past increases were null and void. The landlords appeal
requesting resolution of potential rent disputes.

MSC: To deny the appeal.
(Schlichtmann/Villa: 4-0)

B. 130B, 132A & 132C Carl St. M001-06A

The landlords appeal the decision concerning rent
overpayments for two units and a rent decrease for one
unit. With regard to the overpayments determined for units

130B and 132A, the hearing officer left the parties responsible for determining amounts after the last increase notice for January 1, 1991. With regard to the rent reduction and increase deferral for unit 132C, calculations were made based on the assumption that the January 1991 increase was paid. Based on information provided on appeal, the hearing officer proposes numerical corrections.

MSC: To remand to the hearing officer for
numerical corrections, as appropriate.
(Marshall/Villa: 4-0)

C. 640 Eddy St. #105 M001-07A

Neither the owner nor manager appeared at the hearing after a postponement request by the manager was denied. The hearing officer determined rent overpayments and rent reductions due to decreased housing services. On appeal, the landlord disputes the rent history and contests the rent reductions.

MSC: To deny the appeal. (Marshall/
Schlichtmann: 3-1; Carrico dissenting)

D. 3317 Army St. M001-08A

MSC: To excuse Commissioner Rossoff from
consideration of this appeal.
(Marshall/Carrico: 4-0)

The Hearing Officer determined that amounts paid over the initial rent purportedly for extra co-tenants are null and void resulting in a total of \$400.00 in rent overpayments. The landlord appeals arguing that the amount was reasonable to cover utility costs and requesting to have the overpayments allocated to utility costs.

MSC: To deny the appeal. (Carrico/Villa: 4-0)

E. 352 Precita M001-09A

The landlord contests the denial of capital improvement certification for vinyl flooring costing \$455.60 for this unit. The Hearing Officer concluded that the work, objected to by the tenant, was not necessary for reasons of health and safety.

MSC: To remand the case for further hearing on
the issue raised on appeal.
(Carrico/Villa: 3-1; Marshall dissenting)

F. 935 Geary St. #712 M001-05R

One tenant appeals a capital improvement increase of \$9.94,
0107M

particularly since it is payable retroactive to February 10th, on the basis of financial hardship. (Another tenant withdrew a second appeal on the same basis.)

MSC: To accept the appeal for Board hearing on the issue of financial hardship to this tenant and direct staff to encourage settlement by the parties.
(Carrico/Marshall: 4-0)

G. 1357 Clay St. #7

M001-06R

The tenant filed a late appeal claiming that receipt of her decision was delayed until the date of the appeal deadline (15 days after mailing). No reason is stated why the appeal was not filed until 5 days later.

MSC: To find good cause for the late filing of appeal. (Carrico/Marshall: 3-1; Schlichtmann dissenting)

The tenant appeals on the basis that the operating and maintenance increase granted will cause her financial hardship.

MSC: To accept the appeal for Board hearing on the issue of financial hardship to this tenant and direct staff to encourage settlement by the parties.
(Carrico/Marshall: 4-0)

V. Communications

A. The Commissioners received and approved the written decision for 563 Capp St., heard on July 30, 1991.

B. They also received Policy Directives 1982-2 concerning legal fees claimed as operating and maintenance expenses and 1984-2 concerning live/work tenancies for consideration as proposed Rules and Regulations. The Deputy Director will draft rule language for these policies.

VI. Director's Report

A. The outreach draft has been circulated to staff for their comments by August 16th. The Executive Director will provide the comments to the Commissioners at the next meeting.

B. The Deputy Director reported that the landlord's court challenge to Board decisions concerning 731 Florida Street (March 14, 1989 and June 12, 1990) was denied. Another case concerning a class action brought by Golden Gateway tenants has been settled and approved by the court.

VII. Remarks from the Public

Al Goodwin commented on the old policy directives and the need for other rules clarifying the allowance of certain operating and maintenance costs.

Another person commented on conflicting information given by counseling staff concerning the certification of interior painting costs.

VIII. Calendar Items

August 20, 1991

7 appeal considerations

Old Business: A. Proposed Ordinance changes
B. Outreach Committee

August 27, 1991

3 appeal considerations

Appeal Hearing: 935 Geary St. #712 (accpt. 8/13/91)

September 3, 1991

Appeal Hearing: 1357 Clay St. #7 (accpt. 8/13/91)

IX. Adjournment

Commissioner Rossoff adjourned the meeting at 6:30 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.
August 20, 1991

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

25 Van Ness Avenue, #70, Lower Level

VIVIAN HAMMILL
VICE-PRESIDENT

AGENDA

- | | | | |
|-------------------|-------|--|----------|
| TIM CARRICO | I. | Call to Order | |
| MAMIE HOW | II. | Roll Call | |
| POLLY MARSHALL | III. | Approval of the Minutes | |
| JAKE MCGOLDRICK | IV. | Remarks from the Public | |
| MICHAEL ROSOFF | V. | Consideration of Appeals | |
| JILL SCHLICHTMANN | | | |
| DENICE STEPHENSON | | | |
| WILLIAM VILLA | | | |
| | A. | 294-298 Divisadero St. | M001-14A |
| | B. | 1870 Jackson St. | M001-15A |
| | C. | 1278 - 7th Ave. | M001-07R |
| | D. | 136 - 6th St. #3 | M001-08R |
| | E. | 331 - 17th Ave. | M001-11A |
| | F. | 845 Noe St. #1 & #2 | M001-12A |
| | G. | 2611 California St. #1 | M001-13A |
| | H. | 2837 - 23rd St. | M001-10A |
| | VI. | Communications | |
| | VII. | Director's Report | |
| | VIII. | Consideration of Allegations of Wrongful Evictions | |
| | IX. | Old Business | |
| | | A. Outreach Committee | |
| | | B. Proposed Ordinance changes | |
| | IV. | Remarks from the Public (cont.) | |
| | X. | New Business | |
| | XII. | Calendar Items | |
| | XIII. | Adjournment | |





RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, August 20, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President Astle called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present:	Astle; Hammill; Rossoff; Stephensen; Villa.
Commissioners not Present:	Carrico; How; Marshall; McGoldrick.
Staff Present:	Grubb; Wolf.

Commissioner Schlichtmann appeared on the record at 5:40 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 13, 1991 as
written. (Rossoff/Stephenson: 5-0)

IV. Consideration of Appeals

A. 294-298 Divisadero St. M001-14A

This appeal was filed 2 days late, without excuse.

MSC: To find good cause for the late filing of the
appeal. (Villa/Rossoff: 5-0)

The landlord's petition for rent increases due to increased
operating expenses and capital improvement costs was denied due
to insufficient documentation. Additional invoices and proof
of payment were submitted by the landlord's attorney upon
appeal.

MSC: To deny the appeal. (Hammill/Stephenson)

MSC: To deny the appeal as to the operating and
maintenance expense portion of the petition and
table action as to the capital improvement
portion of the petition until the next
meeting. (Hammill/Stephenson: 5-0)

B. 1870 Jackson Street M001-15A
units 201, 503, 401 & 501

The landlord's petition for rent increases based on increased operating expenses was denied by the hearing officer who ruled that the landlord had failed to provide sufficient proof of payment and costs. The rental units are condominiums, and the two categories of alleged increased expenses are taxes and homeowners' association fees. On appeal, the landlord maintains that it would be impossible to provide a breakdown of the allocation of homeowners' fees, and that the property tax increase is sufficient to warrant the requested increases.

MSC: To deny the appeal. (Rossoff/Villa: 5-0)

C. 1278 - 7th Avenue M001-07R

The tenant's representative requested that the Board consider this allegedly untimely appeal as the tenant is temporarily residing in Fresno. The appeal was, however, filed in a timely manner.

MSC: To find good cause for the late filing of the appeal. (Rossoff/Villa: 4-1; Hammill dissenting)

The landlord petitioned to pass through seismic work as capital improvements, the bulk of which was certified by the hearing officer. One tenant appeals, alleging that: the repairs were done to benefit the landlords in preparing for construction of a living unit in the garage; some of the work was unnecessary and the result of the landlord's deferred maintenance; and the cost of the work was inequitably allocated, as the other unit in the building suffered more of the damage.

MSC: To deny the appeal and direct staff to make numerical corrections. (Rossoff/Villa: 5-0)

D. 136 - 6th Street #3 M001-08R

The tenant's petition regarding alleged decreased housing services was denied, as the hearing officer found that the tenant had failed to prove rat infestation and a hole in his ceiling was not substantial. The tenant appeals, stating that the landlord is maintaining a nuisance.

MSC: To deny the appeal. (Hammill/Rossoff: 5-0)

E. 331 - 17th Avenue M001-11A

The hearing officer granted the tenant's petition for rent reduction due to a clogged drain and subsequent serious plumbing problems. The landlord appeals, alleging that the problem was the fault of the tenant.

MSC: To deny the appeal. (Rossoff/Stephenson: 5-0)

F. 845 Noe Street #1 and #2 M001-12A

Two tenants petitioned regarding rent increases above limitations, issued by landlords asserting exemption due to owner-occupancy. At issue is whether a Quitclaim Deed which changed the recorded percentage ownership interests of the four landlords was executed in good faith. The hearing officer found that the later deed was executed merely to circumvent the Ordinance, and that the property therefore remained under Rent Board jurisdiction. On appeal, the landlords assert error and abuse of discretion by the hearing officer; allege that the original deed was in error; and that the later Quitclaim Deed was recorded in order to correct the original intent of the owners.

MSC: To deny the appeal. (Stephenson/Hamill: 4-1; Rossoff dissenting)

G. 2611 California St. #1 M001-13A

Rent reductions were granted to correspond with the loss of storage space and direct sun and natural light in the unit; and a rodent problem. The landlord appeals on the grounds that there had never been an agreement regarding storage space; that there is now more light to the property than before; and that the rodent problem is being aggressively addressed.

MSC: To deny the appeal. (Rossoff/Villa: 5-0)

H. 2837 - 23rd Street M001-10A

This appeal was filed one week late, because the landlord alleges that he thought the filing deadline was flexible, and not mandatory.

MSC: To find no good cause for the late filing of this appeal. (Stephenson/Rossoff: 5-0)

V. Communications

The Commissioners received the following communications:

A. The appeal decision for the case at 52-60 Salmon Street (L001-96A), heard on August 6, 1991, which was approved.

B. A series of memos regarding personnel matters, which were referred to the Personnel Committee.

C. A confidential staff roster.

D. The Rent Board statistics for July. The number of eviction notices filed under the category of "agreement" may be 0109M

in error, and will be investigated by the Executive Director.

VII. Director's Report

The Executive Director informed the Board of the following:

A. Fees for purchase of the Ordinance and Rules and Regulations will be increased as of September 1, 1991 to correspond with increased printing and postage costs.

B. Due to the inadvertent deletion from the Rules and Regulations of estimator fees for substantial rehabilitation exemption applications, a Public Hearing is proposed next week on a draft amendment.

C. The tenant appellant of the case at 935 Geary Street #712 (M001-05R), scheduled for appeal hearing on August 27, 1991, has moved and left no forwarding address. An Administrative Dismissal was therefore approved by President Astle.

D. Hearing Officer Sheila Dolan will be moving to Sacramento and therefore terminating her employment with the Board effective September 23, 1991.

VII. Old Business

The Commissioners received comments from two hearing officers on the brochure prepared by the Outreach Committee.

VIII. Calendar Items

August 27, 1991

4 appeal considerations (1 cont. from 8/20/91)

6:00 Public Hearing: Sub. Rehab. Estimator Fees

Old Business: Outreach Committee

September 3, 1991

5 appeal considerations

Appeal hearing: 1357 Clay St. #7 (acct 8/13/91)

Old Business: Outreach Committee

Proposed Ordinance Changes

IX. Adjournment

President Astle adjourned the meeting at 6:20 p.m.



ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
August 27, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

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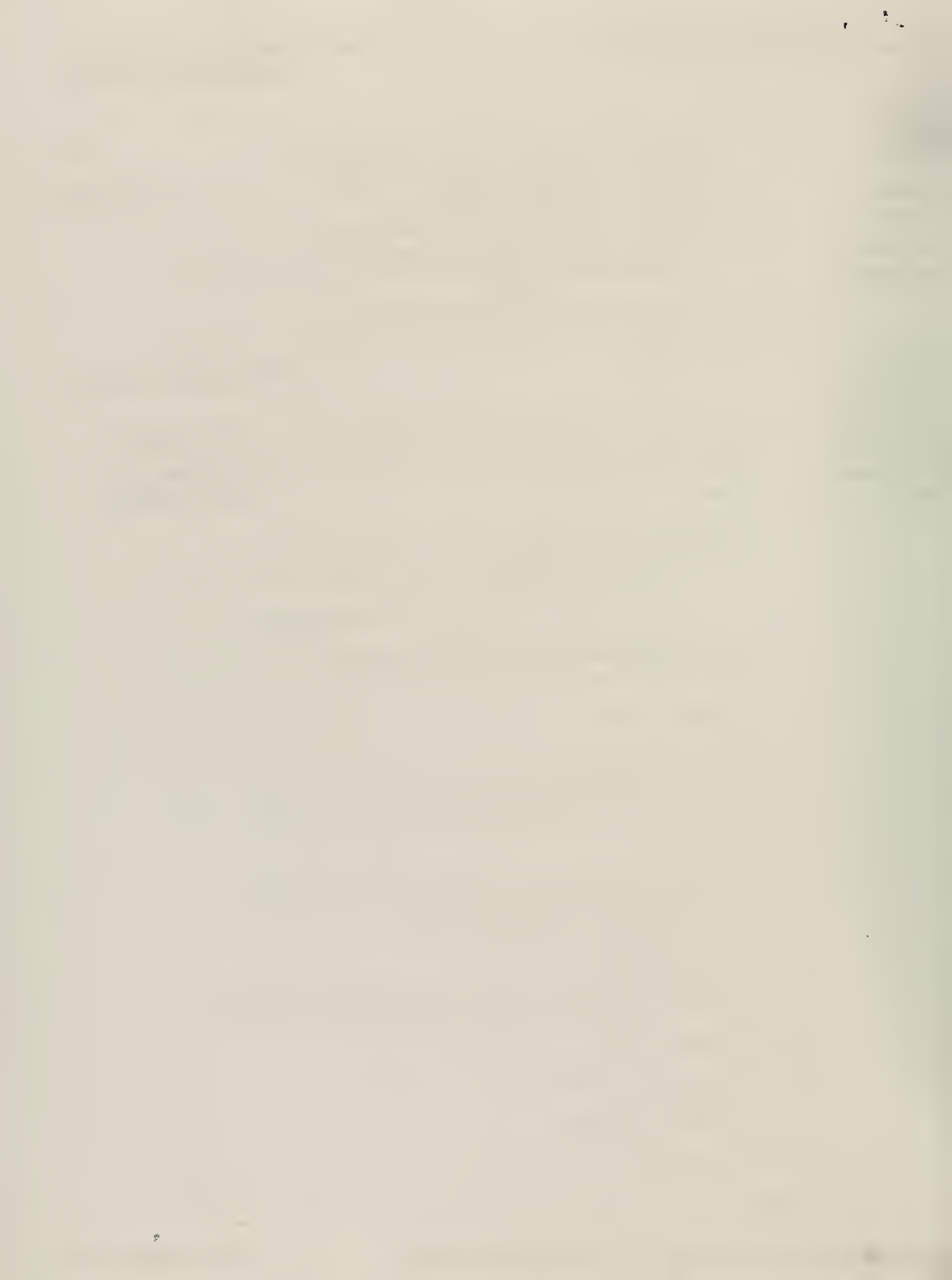
RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 294-298 Divisadero St. M001-14A
(cont. from 8/20/91)
 - B. 500 Hyde St. M001-10R through
units 201, 407, 601 & 606 M001-13R
 - C. 218-A Russia Ave. M001-16A
 - D. 4605 Balboa Ave. M001-09R
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Public Hearing
- 6:00 Proposed Amendment to Rules & Regulations Section 8.13
- XII. Calendar Items
- IX. Old Business (cont.)
 - Outreach Committee
- XIII. Adjournment

0110M





RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, August 27, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present:	Astle; Carrico; Hammill; McGoldrick; Rossoff; Schlichtmann; Stephenson; Villa.
Commissioners not Present:	Marshall.
Staff Present:	Grubb; O'Hearn.

Commissioner How appeared on the record at 5:42 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 20, 1991 as
written. (Stephenson/McGoldrick: 5-0)

IV. Consideration of Appeals

A. 294 & 296 Divisadero M001-14A

A motion to deny the appeal was continued from the prior meeting to determine the effect of that motion on the capital improvement portion of the petition. The motion was withdrawn and following motion carried:

MSC: To remand the case only on the issue of the capital improvements for hearing before a Hearing Officer to consider new evidence; such hearing to be scheduled in the regular order of currently pending cases.
(Carrico/How: 5-0)

B. 500 Hyde St. M001-10R through M001-13R
units 201, 407, 601 & 606

Four tenants appeal the decision granting monthly increases for both capital improvements (\$2.80) and operating expenses (ranging from \$4.80 to \$8.32). The tenants of units 601, and apparently 201, claim financial hardship. The tenant of unit 407 claims lack of receipt of the notice of proposed increase dated February 28, 1991. The tenants of units 201

and 601 claim that the base rent figures in the petition erroneously include their PG&E passthroughs. All four of the tenants dispute the consideration of various costs included in the landlord's petition.

MSC: To accept the appeals only as to the hardship claims, subject to staff verification of such claim by the tenant of unit 201. (Carrico/How: 5-0)

C. 218-A Russia M001-16A

The landlord submitted an appeal of a remand decision, six days late due to a back injury by the landlord's attorney two days before the deadline.

MSC: To find good cause for this late appeal. (Stephenson/McGoldrick: 5-0)

Although the hearing officer concluded that the landlord has the ongoing option to impose a 1985 capital improvement passthrough previously not imposed, that option is currently subject to the annual 10% limitation under Regulations Section 7.12(d). The landlord objects to this limitation, as he did in appealing the original decision.

MSC: To accept the appeal for Board hearing in the interest of justice. (Carrico/How: 3-2; McGoldrick and Stephenson dissenting)

D. 4605 Balboa St. #4 M001-09R

One tenant appeals the decision granting a capital improvement passthrough on the ground that he did not receive the notice mailed on May 29, 1991 of the hearing held on June 12, 1991. He subsequently explained that he objects to the passthrough on the basis of financial hardship.

MSC: To accept the appeal for Board hearing only on the issue of hardship. (Stephenson/Carrico: 5-0)

V. Communications

Other than communications concerning current appeal considerations, the Commissioners received the following:

A. Letter from tenant Arthur Roberts; and

B. Memo from the Deputy Director and the Hearing Officers concerning the scope of petitions for proposed amendments to the Rent Ordinance establishing an expedited alternative hearing procedure.

VI. Director's Report

A. The Executive Director confirmed recent eviction notice statistics.

B. The Director requested vacation time from October 7th to 18th.

MSC: To approve the requested vacation.
(Carrico/Stephenson: 5-0)

C. The Director requested Commissioner comments on the memo from the Deputy Director. The Commissioners agreed to further limit the scope of expedited hearings on unlawful increase petitions only where the amount of overpayment does not exceed \$1,000.00.

VII. Public Hearing

Proposed Amendment to Rules & Regulations Section 8.13

There being no public comment on the rule for estimator fees in substantial rehabilitation applications, the following motions were carried:

MSC: To close the public hearing.
(Carrico/Stephenson: 5-0)

MSC: To adopt the proposed amendment to Rules & Regulations Section 8.13. (Stephenson/How: 5-0)

VIII. Calendar Items

September 3, 1991

5 appeal considerations

Appeal hearing: 1357 Clay St. #7 (acct 8/13/91)

Old Business: Outreach Committee

Proposed Ordinance Changes

September 10, 1991 - NO MEETING.

IX. Adjournment

President Astle adjourned the meeting at 6:22 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
September 3, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

TIM CARRICO

MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A.	2267 Filbert St.	M001-14R
B.	1060 Bush St.	M001-17A
C.	795 Corbett Ave. #5	M001-18A
D.	1369 Hyde St.	M001-19A
E.	849 Capp St.	M001-20A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A.	Proposed Ordinance Amendments
B.	Outreach Committee

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing

6:00	1357 Clay St. #7	M001-05R
	(accepted 8/13/91)	

XII. Calendar Items

IX. Old Business (cont.)

XIII. Adjournment
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RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD

SEPTEMBER 3, 1991

THE MINUTES FOR THIS MEETING ARE MISSING



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, September 17, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Vice-President Hammill called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present:	Carrico; Hammill; Schlichtmann; Stephenson; Villa.
Commissioners not Present:	Astle; How; Marshall; Rossoff.
Staff Present:	Grubb; Wolf.

Commissioner McGoldrick appeared on the record at 5:40 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 3, 1991 as
written. (Carrico/Stephenson: 5-0)

IV. Consideration of Appeals

A. 1145 Kearny St. M001-16R

The appeal was filed 2 days late, without explanation.

MSC: To find good cause for the late filing of this
appeal. (Stephenson/Carrico: 5-0)

One tenant appeals the hearing officer's decision granting the
landlord additional 7% rent increases based on increased
operating expenses. The tenant states that paying the
authorized amounts would subject him and his family to
financial hardship.

MSC: To deny the appeal. (Carrico/Villa: 5-0)

B. 505 - 14th Avenue M001-23A

The hearing officer granted increases due to capital
improvements and additionally determined rent overpayments,
most of which were due to the landlord having "rounded up" rent
increases. On appeal, the landlord maintains that the

amounts overcharged were de minimus as they did not exceed one-half of one percent of the prior base rents.

MSC: To deny the appeal. The hearing officer will issue a numerical correction to the decision.
(Stephenson/Schlichtmann: 5-0)

C. 330 Scott Street #2 M001-22A

The tenants were granted rent reductions to correspond with decreased housing services due to earthquake-necessitated repairs. The landlord appeals, stating that the Rent Board has no jurisdiction to hear a case regarding a property that is now exempt; that bona fide attempts to effectuate the repairs were made; and the tenants did not notify the owner as to all the necessary repairs.

It was the consensus of the Board to continue this case for one week in order for staff to confer with the City Attorney regarding the issue of jurisdiction.

D. 3178 & 3182 Mission St. M001-21A

The landlord appeals the remand decision denying uncompensated labor costs for lack of sufficient documentation. As the case was remanded to the original hearing officer, the landlord alleges that he failed to receive a fair hearing, since essentially the same decision was rendered.

MSC: To accept the appeal and schedule a hearing before the Board. (Carrico/Schlichtmann: 4-1; Stephenson dissenting)

E. 475 - 19th Avenue M001-17R

The landlord's petition for extension of time for capital improvement work was granted by the hearing officer. The tenant appeals, alleging perjury and wrongful eviction attempts on the part of the landlord.

MSC: To deny the appeal.
(Schlichtmann/Carrico: 5-0)

F. 1700 North Point #102 M001-18R

The landlord's petition for capital improvement passthroughs based on earthquake work was granted, in part, by the hearing officer. The tenant in one unit appeals, alleging that the hearing officer ignored landlord violations of required permit and tenant notification procedures; that it was not necessary for the tenants to vacate their units; and that the costs should not have been divided equally among the units.

MSC: To deny the appeal. (Carrico/Villa: 5-0)

G. 1060 Bush St. M001-19R through M001-22R
units 400, 111, 115 and B1

These appeals were filed approximately two weeks late, without explanation.

MSC: To find good cause for the late filing of these appeals. (McGoldrick/Villa: 5-0)

Four tenants appeal the hearing officer's decision granting capital improvement passthroughs on the grounds of financial hardship. Two other tenants, in unit #103, sent the Board a letter also asserting financial hardship.

MSC: To accept the appeals, including unit #103, and schedule a hearing before the Board. Staff will encourage the parties to reach a settlement. (McGoldrick/Schlichtmann: 5-0)

V. Communications

The Commissioners received postponement requests for the cases at 500 Hyde Street, which had already been granted by the Executive Director, and 1369 Hyde Street, which was approved by consensus, subject to verification of travel plan.

VI. Directors Report

The Executive Director informed the Commissioners that:

A. Alicia Wicks has been hired as the new Hearing Officer, and will begin working in this capacity on September 24, 1991. The Eviction Unit Supervisor position will be filled on an in-house promotional basis.

B. The Director and staff member Ernestine Cade Hill attended a Civil Service Commission hearing regarding inter-departmental job transfers.

C. October 5th or 26th are tentative dates for an all-staff picnic to which the Commissioners are invited; the Rent Board Christmas party has been scheduled for December 6, 1991.

VII. Old Business

A. The issue of Commissioners' appearances at Rent Board hearings was continued for one week pending an opinion from the City Attorney; the issue of Commissioners appearing before other City boards will be clarified as well.

0115M

B. The Outreach Committee is waiting for the outcome of the vacancy control initiative on the November ballot before finalizing the brochure it has drafted.

VIII. Calendar Items

September 24, 1991

5 considerations (1 cont. from 9/17)

1 eviction case summary (cont. from 7/16/91)

Appeal Hearing: 4605 Balboa #4 (accpt. 8/27/91)

New business: Litigation follow-up

Old Business: Commissioners' Appearances at Rent Board Hearings

October 1, 1991

2 appeal considerations

Appeal Hearing: 218-A Russia (accpt. 8/27/91)

IX. Adjournment

Vice-President Hammill adjourned the meeting at 6:40 p.m.

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.
September 24, 1991

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

25 Van Ness Avenue, #70, Lower Level

AGENDA

I. Call to Order

DOCUMENTS DEPT.

TIM CARRICO
MAMIE HOW

II. Roll Call

NOV 20 2003

POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN

III. Approval of the Minutes

SAN FRANCISCO
PUBLIC LIBRARY

DENICE STEPHENSON
WILLIAM VILLA

IV. Remarks from the Public

V. Consideration of Appeals

A. 330 Scott St. #2 M001-22A
(cont. from 7/17/91)

B. 2340 Vallejo #A M001-24A

C. 14A Moss Street M001-28A

D. 16 Hill St. #1 M001-25A

E. 2844 Lyon St. M001-26A and M001-27A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions
Report from Staff

3317 Army St. L002-64E

IX. Old Business

Commissioners' Appearances at Rent Board Hearings
(cont. from 9/17/91)

IV. Remarks from the Public (cont.)

X. New Business

Action Pursuant to Resolution of Litigation (No. 9290995)
118A - 27th St. L001-48A

XI. Appeal Hearings

6:00 A. 4605 Balboa St. #4 M001-09R
(accept. 8/27/91)

6:30 B. 1369 Hyde St. M001-19A
(accept. 9/3/91; tentatively postponed 9/17)

XII. Calendar Items

XIII. Adjournment



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, September 24, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Vice-President Hammill called the meeting to order at
5:34 p.m.

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

II. Roll Call

Commissioners Present:	Hammill; How; McGoldrick; Schlichtmann; Stephenson; Villa.
Commissioner not Present:	Astle; Marshall; Rossoff.
Staff Present:	Grubb; O'Hearn.

Commissioner Carrico appeared on the record at 5:45 p.m.
Commissioner Schlichtmann left at 6:15 p.m. and Commissioner
McGoldrick left at 6:37 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 17, 1991
with a clerical correction on page 2.
(Schlichtmann/How: 4-0)

IV. Consideration of Appeals

A. 330 Scott St. #2 M001-22A

This appeal was continued from the prior meeting.

MSC: To deny the appeal.
(McGoldrick/Stephenson: 4-0)

B. 2340 Vallejo St. #A M001-24A

The landlord's attorney filed an appeal 4 days late without
any excuse for lateness.

MSC: To continue the case pending a written
response to a request for explanation for
the untimeliness.
(McGoldrick/Schlichtmann: 4-0)

C. 14-A Moss St.

M001-28A

The tenant was not permitted to return to her Marina apartment after earthquake repairs had been completed unless she paid increased rent of \$376.22 per month. The Hearing Officer determined that the increase was unlawful resulting in over \$4,000.00 in rent overpayments. The landlords appeal claiming the building is exempt by virtue of the earthquake damage and subsequent renovations on the basis of substantial rehabilitation even though no exemption application had been filed.

MSC: To deny the appeal.
(Stephenson/McGoldrick: 4-0)

D. 16 Hill St. #1

M001-25A

The landlords failed to appear at the remand hearing stating that they were advised by staff that they need not appear even though written notice of the remand hearing was mailed by the Rent Board. The original decision was affirmed, as modified, on the tenant's appeal pursuant to instructions by the Board on June 4, 1991.

MSC: To deny the appeal.
(McGoldrick/Stephenson: 5-0)

E. 2844 Lyon St.

M001-26A & M001-27A

MSC: To excuse Commissioner Carrico from consideration of these cases.
(McGoldrick/How: 5-0)

The landlord submitted 2 separate appeals: one 2 days late concerning a decision on a tenant petition, without any excuse for late appeal; the other timely appeal concerning a decision on the landlord petition. It was the consensus of the Commissioners to continue the case for a written response to a request for explanation for the untimeliness.

V. Communications

A. The Commissioners received Rent Board statistics for the month of August 1991.

VI. Director's Report

The Executive Director reported on the following matters:

A. A letter was sent to the District Attorney requesting an update on referrals from the Rent Board to that office;

B. Alicia Wicks is the new Hearing Officer and Pedro Ruiz is the new Rent Board Supervisor.

VII. Consideration of Allegations of Wrongful Evictions

3317 Army St. L002-64E

When the landlord did not get the additional payments of first \$100 and then \$50 for each purported "extra" person whose presence was initially approved by her, she decided to evict the household, using an alleged health and safety concern. Since the landlord has other properties and admitted to knowing very little about the rent law, and since the evidence clearly establishes a wrongful eviction, staff recommends that the Commissioners send a strongly-worded letter to the owner notifying her of the illegality of her actions (both rent increase for additional persons and eviction).

MSC: To adopt the staff recommendation.
(McGoldrick/How: 5-0)

VIII. Old Business

The issue of Commissioners' appearances at Rent Board hearings and before other Boards was again continued for further investigation and research by the City Attorney.

IX. Remarks from the Public

The landlord appellant of the 2844 Lyon St. case above requested information on the status of her appeal.

X. New Business

118A - 27th St. L001-48A

Staff reported on the need for Board action on this case pursuant to the resolution of litigation (No. 9290995)

MSC: To vacate the January 29, 1991 decision denying the landlord's appeal.
(McGoldrick/Stephenson: 5-0)

MSC: To find good cause for the late filing of the appeal since it was filed prior to amendments to Ordinance Section 37.8(f) and after an appeal deadline on a holiday.
(Schlichtmann/McGoldrick: 5-0)

MSC: To vacate the Decision of the Hearing Officer issued on December 17, 1990 and remand the case for a new hearing before another hearing officer.
(Schlichtmann/McGoldrick: 5-0)

XI. Appeal Hearings

A. 4605 Balboa St. #4 M001-09R

Upon the tenant's failure to appear at the hearing, staff contacted him by phone and he requested a postponement based on his misunderstanding of the necessity to appear. It was the consensus of the Commissioners to postpone the case to the next available date convenient to the landlords.

V. Communications (cont.)

B. The Commissioners received and discussed a letter from the representative of the landlord at 14 Moss St. concerning the payment of estimator fees for a pending exemption application based on substantial rehabilitation. There was consensus that the department was correct in requiring that the fee be paid.

XI. Appeal Hearings (cont.)

B. 1369 Hyde St. M001-19A

Commissioner Stephenson left the meeting during discussion of this case as she has been excused from consideration of this matter. Staff reported on the tenant postponement of this hearing and the next possible hearing date on November 12, 1991 due to the absence of the landlord's attorney during the month of October and no meeting the first week of November.

XII. Calendar Items

October 1, 1991

4 appeal considerations (including 2 cont. from 9/24)
Appeal Hearing: 218-A Russia (accpt. 8/27/91)

October 8, 1991

4 appeal considerations
2 Appeal Hearings: 500 Hyde St. #601 (cont. from 9/17)
4605 Balboa #4 (accpt. 8/27; cont. from 9/24)
Old Business: Commissioners' Appearances before Rent Board

October 15, 1991 - NO MEETING

October 22, 1991

Appeal considerations
2 Appeal Hearings: 3178-82 Mission St. (accpt. 9/17)
1060 Bush (accpt. 9/17)

XIII. Adjournment

Vice-President Hammill adjourned the meeting at 6:40 p.m.
0117M



ART AGNOS
MAYOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.
October 1, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

DOCUMENTS DEPT.

NOV 2 0 2000

SAN FRANCISCO
PUBLIC LIBRARY

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 2340 Vallejo #A M001-24A (cont. from 9/24)
 - B. 2844 Lyon St. #203 M001-26A (cont. from 9/24)
 - C. 2844 Lyon #203 & #303 M001-27A (cont. from 9/24)
 - D. 499 Alabama St. M001-29A
 - E. 3062 Polk St. M001-23R
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing
- 6:00 218-A Russia Ave. M001-16A (accpt. 8/27)
- XII. Calendar Items
- XIII. Adjournment

0118M



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, October 1, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:35 p.m.

II. Roll Call

TIM CARRICO

MAMIE HOW

POLLY MARSHALL

JAKE MCGOLDRICK

MICHAEL ROSOFF

JILL SCHLICHTMANN

DENICE STEPHENSON

WILLIAM VILLA

Commissioners Present:

Astle; How; McGoldrick;
Rossoff; Schlichtmann;
Stephenson.

Commissioners not Present:

Hammill; Villa.

Staff Present:

Grubb; Wolf.

Commissioner Carrico appeared on the record at 5:40 p.m.;

Commissioner Marshall appeared at 5:45 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 24, 1991 as
written. (McGoldrick/Stephenson: 5-0)

IV. Consideration of Appeals

A. 2340 Vallejo #A

M001-24A (cont. from 9/24)

This appeal was continued from the prior meeting, in order to obtain a written response from the landlord's attorney regarding the untimely filing of the appeal. The attorney explained that he needed to contact his client overseas and that he incorrectly assumed that when the deadline fell on a weekend, it was extended to the next business day.

MSC: To find good cause for the late filing of this
appeal. (Rossoff/How: 5-0)

The hearing officer determined rent overpayments in accordance with Section 37.3(c) of the Ordinance, which provides that a tenant who subleases his or her rental unit cannot collect more rent than that which is being paid to the landlord. The original decision held the landlord and sublessor jointly responsible. On appeal, the Rent Board Commissioners remanded the case solely to determine the question of liability for the overpayments. The remand decision held only the sublessor liable. On further

appeal, the landlord's attorney argues that, as the sublease included furnishings, no rent overpayments in fact occurred.

MSF: To accept the appeal and schedule a hearing before the Board. (Carrico/How: 1-4; Astle, How, Marshall, McGoldrick dissenting)

MSC: To deny the appeal. (Marshall/McGoldrick: 4-1; Carrico dissenting)

B. 2844 Lyon Street #203 M001-26A (cont. from 9/24)

MSC: To excuse Commissioner Carrico from consideration of this appeal. (McGoldrick/Marshall: 5-0)

This case was continued from the prior meeting, in order to obtain a written response regarding the untimely filing. It was explained that the decision was sent to an incorrect mailing address.

MSC: To find good cause for the late filing of this appeal. (Rossoff/How: 5-0)

The rent was reduced and the annual rent increase was deferred due to the lack of heat and windows in need of repair. The landlord had failed to appear at the hearing. On appeal, the landlord maintains that she did not receive notice of the hearing, as her correct mailing address is a post office box.

MSC: To remand the case for a new hearing; a numerical correction to the decision will be made by staff. (Rossoff/How: 5-0)

C. 2844 Lyon #203 & #303 M001-27A (cont. from 9/24)

MSC: To excuse Commissioner Carrico from consideration of this appeal. (McGoldrick/Marshall: 5-0)

This case was continued from the prior meeting, due to its having been filed in conjunction with an untimely appeal at another decision. In her appeal, the landlord seeks clarification as to the tenant's rent, in light of simultaneous cases granting operating expense increases and decreased services rent reductions.

MSC: To deny the appeal. (Rossoff/Marshall: 5-0)

D. 499 Alabama Street M001-29A

The landlord in this case is Project Artaud, a non-profit corporation; the rental units at issue are artist live-work spaces. The landlord petitioned for increases due to capital

improvements; in addition, the hearing officer determined almost \$24,000.00 in rent overpayments owing to two tenants. On appeal, the landlord claims that the hearing officer exceeded her jurisdiction, as the tenants did not petition on the issue of illegal rent increases. The landlord also asserts that having to refund the amounts would force the project into bankruptcy.

MSC: To accept the appeal and schedule a hearing before the Board on the issue of landlord hardship and overpayments due to null and void rent increases. (How/McGoldrick: 5-0)

E. 3062 Polk St.

M001-23R

The tenant appeals the hearing officer's determination that the landlord had met the requirements of Rules and Regulations Section 6.14 and that the rental unit at issue had become "decontrolled." The tenant claims that she was merely subletting her unit, and that there was no lease provision against her doing so.

MSC: To deny the appeal. (McGoldrick/How: 5-0)

V. Appeal Hearing

218-A Russia Avenue

M001-16A

As none of the parties to this appeal were in attendance at 6:15 p.m., the Commissioners passed the following motion:

MSC: To dismiss this appeal with prejudice.
(Marshall/McGoldrick: 5-0)

VI. Communications

In addition to correspondence regarding cases under appeal, the Commissioners received a copy of a letter from the Executive Director to the landlord's counsel at 14 Moss Street (M001-17C) regarding payment of estimator fees for a substantial rehabilitation petition.

VII. Director's Report

The Executive Director reported on the following items:

A. The City of San Francisco is going to purchase the building currently housing the Rent Board offices.

B. Clerk-typist Gloria Barnes will be leaving the Board; her position will be filled as soon as possible.

VIII. Old Business

Commissioner Schlichtmann reported that she contacted Deputy District Attorney Bob Perez regarding the possible use of interns for the Eviction Unit. Mr. Perez stated that in approximately one month, staffing may permit such an assignment.

IX. Remarks from the Public

A. Al Goodwin inquired as to the status of possible Ordinance amendments; he was informed that the item had been tabled until the December 3, 1991 Board meeting.

B. Aileen O'Driscoll asked several questions regarding the make-up of the Board.

X. Calendar Items

October 8, 1991

4 appeal considerations

2 appeal hearings: 500 Hyde St. #601 (post. from 9/17)

4605 Balboa #4 (accept. 8/27; post. from 9/24)

Old Business: Commissioners' Appearances before Rent Board

October 15, 1991 - NO MEETING

October 22, 1991

3 appeal considerations

2 appeal hearings: 3178-82 Mission Street (accept. 9/17)

1060 Bush #400, 103, 111, 115 & B1 (accept. 9/17)

XI. Adjournment

President Astle adjourned the meeting at 6:30 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

ART AGNOS
MAYOR

RUTH ASTLE
PRESIDENT

October 8, 1991

JOSEPH GRUBB
EXECUTIVE DIRECTOR

VIVIAN HAMMILL
VICE-PRESIDENT

25 Van Ness Avenue, #70, Lower Level

AGENDA

- TIM CARRICO I. Call to Order
MAMIE HOW
POLLY MARSHALL II Roll Call
JAKE MCGOLDRICK
MICHAEL ROSOFF III. Approval of the Minutes
JILL SCHLICHTMANN
DENICE STEPHENSON IV. Consideration of Appeals
WILLIAM VILLA
- A. 856 Presidio #B M001-30A
B. 280 Buckingham Way M001-24R
C. 2425 Buchanan St. M001-31A
D. 920 Natoma St. M001-32A
- V. Communications
VI. Director's Report
VII. Consideration of Allegations of Wrongful Evictions
VIII. Old Business
Commissioners' Appearances before the Rent Board
IX. Appeal Hearings
- 6:00 A. 500 Hyde St. #601 M001-12R (post. from 9/17)
6:30 B. 4605 Balboa St. #4 M001-09R (post. from 9/24)
- X. Calendar Items
XI. Remarks from the Public
XII. Adjournment
0120M



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, October 8, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Vice President Hammill called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present:	Hammill; How; Marshall; Rossoff; Schlichtmann; Villa.
Commissioners not Present:	Astle; McGoldrick; Stephenson.
Staff Present:	O'Hearn; Ruiz.

Commissioner Carrico appeared on the record at 5:43 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 1, 1991, as
written. (Marshall/Rossoff: 5-0)

IV. Consideration of Appeals

A. 856 Presidio Ave. #B M001-30A

The hearing officer determined a substantial decrease in housing services without a corresponding reduction in rent and an illegal rent increase in rent. The landlord appeals, alleging that she was misunderstood by the hearing officer because she had always had a special relationship with tenants and had made attempts to make repairs. The landlord acknowledged that due to this relationship she did not adhere strictly to the Rent Ordinance in assessing annual rent increases.

MSC: To deny the appeal. (Rossoff/Marshall: 5-0)

B. 280 Buckingham Way M001-24R

One tenant appeals the decision of the hearing officer granting monthly increases for certification of capital improvements (\$7.61 for common area painting and \$18.00 for roof work). The tenant disputes the consideration and assessment of various costs to her unit.

MSC: To deny the appeal. (Schlichtmann/Rossoff: 5-0)

C. 2425 Buchanan Street

M001-31A

Three tenants were granted a rent reduction due to a substantial decrease in housing services without a corresponding reduction in rent for inadequate heat. The landlord appeals on the grounds that the reduction granted does not reflect the fact that the tenants use other electrical appliances, that the average cost of heat may not have been computed accurately because the tenants used other electrical appliances to supplement heat, and that the time frame of 7 months for loss of heat is not verified by the evidence.

MSC: To deny the appeal. (Marshall/Rossoff: 5-0)

D. 920 Natoma St.

M001-32A

A tenant was granted a rent reduction due to a substantial decrease in housing services without a corresponding reduction in rent. On appeal, the landlord contends that neither he nor his property manager were present at the continued hearing because after the rescheduled hearing had been noticed, he had communicated to the Rent Board that he was no longer represented by his attorneys and that he wished that all future notices be sent to his New York address.

MSC: To continue to the next meeting in order for the staff to contact the landlord and his manager requesting a declaration stating whether they received notice of the hearing.
(Marshall/Carrico: 5-0)

V. Communications

In addition to correspondence regarding two cases on the agenda, the Commissioners received the monthly statistics for September.

VI. Director's Report

The Deputy Director reported on the following items:

A. The Executive Director is on vacation for two weeks.

B. The Computer Specialist has obtained a Wang Math Program at no cost, saving the agency approximately \$2,500.00.

C. The Deputy Director is the new Chair of the Landlord - Tenant Subsection of the Real Property Section of the State Bar.

VII. Old Business

The issue of the Commissioners appearances at Rent Board hearings was continued awaiting a report from the City Attorney's office.

IX. Appeal Hearings

A. 500 Hyde St. #601

M001-12R
(post. from 9/17/91)

On August 27, 1991, the Board accepted the tenant's appeal for hearing only on the issue of hardship caused by paying granted rent increases.

At the appeal hearing, the tenant appeared on her own behalf; the landlord did not appear but presented his case in writing. The hearing commenced at 6:00 p.m. Following testimony and the submission of evidence, the hearing was closed at 6:20 p.m. The Commissioners discussed the case and approved the following motion:

MSC: To find hardship and to defer the operating and maintenance increase (\$5.30) and capital improvement passthrough (\$2.80); when the landlord in good faith believes the tenant's financial situation has improved, he may give proper notice and impose the increases.
(Marshall/Schlichtmann: 5-0)

B. 4605 Balboa St. #4

M001-09R
(post from 9/24/91)

On August 27, 1991, the Commissioners accepted the appeal for Board hearing only on the issue of hardship as a result of a capital improvement passthrough.

At the appeal hearing both the landlord and the tenant appeared. The hearing commenced at 6:23 p.m. Following testimony of each party and the submission of evidence, the hearing was closed at 6:36 p.m. The Commissioners discussed the case and approved the following motion:

MSC: To find hardship in this case
(Schlichtmann/Marshall: 5-0)

MSC: To defer the capital improvement passthrough (currently \$30.00) until the tenant's financial circumstances improve, subject to the tenant reporting his financial status to the landlord at six-month intervals.
(Schlichtmann/Marshall: 5-0)

X. Calendar Items

October 15, 1991 - NO MEETING

October 22, 1991

3 appeal considerations (including 1 cont. from 10/8)
2 appeal hearings: 3178-82 Mission St. (accpt. 9/17)
1060 Bush (accpt. 9/17)

Old Business:

Commissioners' appearances before the Rent Board

New Business: Action pursuant to Litigation
(Golden Gateway)

October 29, 1991

2 appeal considerations

Appeal hearing: 499 Alabama (accpt. 10/1)

XI. Remarks from the Public

A. The tenant of 280 Buckingham Way raised questions regarding her appeal of a capital improvement passthrough to her building.

B. A tenant inquired about allegations of vacancy control on a political mailing she received. The tenant was informed that the Rent Board takes no position on Proposition M.

XII. Adjournment

Vice-President Hammill adjourned the meeting at 6:40 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
October 22, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
 - A. 920 Natoma St., 3rd fl. M001-32A
(cont. from 10/8)
 - B. 1530 Gough St. #205 M001-33A
 - C. 1335 Union St. #9 M001-34A
 - d. 1091 Kansas St. M001-35A
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
 - Commissioners' Appearance before the Board
- IV. Remarks from the Public (cont.)
- X. New Business
 - Action Pursuant to Litigation (No. 819174)
Golden Gateway Center C76-19
- XI. Appeal Hearing
 - 6:00 3178 & 3182 Mission St. M001-21A (accpt. 9/17)
- XII. Calendar Items
- IX. Old Business (cont.)
- XIII. Adjournment



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

Revised

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
October 22, 1991

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

25 Van Ness Avenue, #70, Lower Level

AGENDA

I. Call to Order

TIM CARRICO

II. Roll Call

MAMIE HOW

POLLY MARSHALL

III. Approval of the Minutes

JAKE MCGOLDRICK

MICHAEL ROSOFF

IV. Remarks from the Public

JILL SCHLICHTMANN

DENICE STEPHENSON

V. Consideration of Appeals

WILLIAM VILLA

A. 920 Natoma St., 3rd fl. M001-32A

(cont. from 10/8)

B. 1530 Gough St. #205 M001-33A

C. 1335 Union St. #9 M001-34A

d. 1091 Kansas St. M001-35A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

Commissioners' Appearance before the Board

IV. Remarks from the Public (cont.)

X. New Business

Action Pursuant to Litigation (No. 819174)
Golden Gateway Center C76-19

XI. Appeal Hearings

6:00 3178 & 3182 Mission St. M001-21A (accpt. 9/17)

6:30 1060 Bush St. #400, 103 M001-19R thru 22R
111, 115 and B1. and M001-25R

XII. Calendar Items

IX. Old Business (cont.)

XIII. Adjournment

0124M

DOCUMENTS DEPT

NOV 20 2000

SAN FRANCISCO
PUBLIC LIBRARY



ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, October 22, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

I. Call to Order

President Astle called the meeting to order at 5:40 p.m.

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

II. Roll Call

Commissioners Present: Astle; Carrico; Hammill;
Marshall; McGoldrick;
Rossoff; Schlichtmann;
Villa.

Commissioners not Present: Stephenson.
Staff Present: Grubb; Wolf.

Commissioner How appeared on the record at 5:45 p.m.
Commissioners Rossoff and Schlichtmann went off the record at
7:35 p.m.; Commissioner Hammill went off the record at 7:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 8, 1991 as
written. (Marshall/Hammill: 5-0)

IV. Consideration of Appeals

A. 920 Natoma St. M001-32A

A tenant was granted a rent reduction due to a substantial decrease in housing services. On appeal, the landlord contended that neither he nor his property manager were present at the continued hearing because after the rescheduled hearing had been noticed, he had communicated to the Rent Board that he was no longer represented by his attorneys and that he wished that all future notices be sent to his New York address. At the October 8, 1991 meeting, the Commissioners voted to continue this case in order for staff to contact the landlord and his manager requesting a declaration stating whether they received notice of the hearing. The landlord submitted such a declaration and stated that one would also be forthcoming from his property manager; this did not occur.

MSC: To deny this appeal.
(Marshall/McGoldrick: 5-0)

B. 1530 Gough St. #205 M001-33A

The landlord failed to appear at the properly noticed hearing on the tenant's petition regarding lack of heat in her unit. The hearing officer determined that the value of the tenant's unit was reduced by \$7.00 per day due to this decrease in services. On appeal, the landlord submitted a Declaration of Non-Receipt of the Notice of Hearing.

MSC: To accept the appeal and remand the case for a new hearing. (Carrico/How: 5-0)

C. 1091 Kansas St. M001-35A

The tenant's petition regarding decreased housing services and the landlord's failure to repair was denied, but the hearing officer determined that the tenant was owed \$2,473.40 in rent overpayments. The landlord filed an untimely appeal because he did not receive notice of the hearing, as the tenant provided the Rent Board with an incorrect address.

MSC: To accept the appeal and remand the case for a new hearing. (McGoldrick/Carrico: 4-1; Marshall dissenting.)

V. Remarks from the Public

Many members of the public appeared in response to a piece of campaign literature mailed out by Commissioner Carrico urging the defeat of Proposition M (Vacancy Control). President Astle preceded the public remarks by informing the assemblage that the Board does not take political positions, and that the City Attorney had informed the Commission that the piece in question did not violate applicable laws. Six individuals proceeded to comment, some protesting that the letter was unethical as they believed that it appeared to be an official mailing of the Rent Board, and others asserting that they believed the information it contained to be true and Commissioner Carrico to be an ethical individual.

IV. Consideration of Appeals (contd.)

D. 1335 Union St. #9 M001-34A

The hearing officer determined that the tenant's rent should be reduced by \$75.00 per month due to the loss of a second, covered parking space. The landlord appeals, alleging that the tenant continued to use the more desirable parking area; and that the tenant was receiving rent for the second space in excess of the amount that was paid to the landlord.

0126M

MSC: To deny this appeal. (Marshall/McGoldrick:
4-1; Carrico dissenting)

VI. Remarks from the Public (contd.)

Seven additional individuals addressed the Commissioners regarding the Prop. M mailing.

VII. Appeal Hearings

A. 3178 & 3182 Mission St. M001-21A

On April 12, 1991, the landlord appealed the hearing officer's decision denying certain capital improvement costs and on May 7, 1991 the case was remanded for a new hearing due to the lack of an audible record. The remand decision, issued on August 6, 1991, denied a great portion of the landlord's labor costs due to the lack of sufficient documentation. The landlord again timely appealed, asserting that he had not received a fair hearing as it was the same hearing officer rendering essentially the same decision. On September 17, 1991 the Commissioners accepted the landlord's appeal for hearing before the Board.

The appeal hearing commenced at 6:25 p.m. The landlord appeared with his non-attorney representative; two tenants from unit 3182 appeared with their attorney/interpreter. Testimony was taken and documentation was reviewed regarding the nature of the work and the time spent effectuating the repairs and improvements. Upon the close of the record at 7:30 p.m. the Commissioners discussed the case and made the following motion:

MSC: To find that: (1) replacement of the water main constitutes a capital improvement; (2) the work on the back stairs shall be considered a repair; and (3) all interior work shall be considered capital improvement, except for that necessitated by the earthquake and subject to the 75% rule. The "earthquake work" is as follows: break and remove cracked plaster; new sheetrock; texture and paint walls; new window trim; plaster patch; and paint livingroom, bath and kitchen after patching.

B. 1060 Bush St. #B-1 & #103 M001-19R & M001-25R

On September 17, 1991 the Board found good cause for late filing and accepted both of the above tenant appeals for Board hearing on the issue of financial hardship caused by certified capital improvement passthroughs.

The tenant in unit #B-1 appeared at the appeal hearing on her own behalf; the landlord also appeared. Following testimony from the tenant in unit 1-B regarding her financial circumstances and current job search, it was agreed by the landlord and tenant that imposition of the capital improvement passthrough would be delayed for 6 months.

The tenants in unit #103 failed to appear at the properly noticed hearing; however, the landlord stipulated to the Board's deciding the matter on the record. As there was not sufficient information for the Commissioners to make a determination, it was the consensus of the Board that the record be left open for two weeks in order that staff may attempt to contact the tenants.

VII. Communications

In addition to correspondence regarding cases under consideration, the Commissioners received the dismissal of the appeal concerning 218-A Russia St. (M001-16A), which was approved by the Board and signed by President Astle.

VIII. Director's Report

The Executive Director informed the Board that the Deputy Director was developing a questionnaire for approves used to enable the City Attorney for a legal opinion regarding Commissioners' appearances before the Rent Board. She will be contacting them upon its completion.

V. Remarks from the Public (contd.)

Jim Faye of the Tenants' Union addressed the Commissioners regarding the necessity of scheduling Public Hearings for late November to develop regulations for the implementation of vacancy control, in the event that Prop M passes. A landlord currently petitioning for certification of capital improvements asked whether it would be permissible to "bank" the passthrough in the event of vacancy control.

IX. New Business

A. Pursuant to litigation regarding the Golden Gateway Center (No. 819174), the Board passed the following motion:

MSC: To set aside the decision of March 10, 1982 in the administrative proceedings titled Arthur P. Samuelson v. Golden Gateway Center, Case No. C-76-19. (McGoldrick/Marshall: 5-0).

B. The Commissioners decided to schedule the issues of public hearings regarding vacancy control regulations and political mailings by Commissioners under New Business on next week's agenda.

X. Calendar Items

October 29, 1991

8 appeal considerations

Appeal Hearing: 499 Alabama St. (accpt. 10/1)

New Business: Public Hearings re Vacancy Control
Political Mailings by Commissioners

November 5, 1991 - Election Day, NO MEETING

November 12, 1991

8 appeal considerations

Appeal Hearing: 1369 Hyde St. (contd. from 9/24)

Old Business: 1060 Bush St. #103 (contd. from 10/22)

XI. Adjournment

President Astle adjourned the meeting at 8:30 p.m.

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
October 29, 1991

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

25 Van Ness Avenue, #70, Lower Level

AGENDA

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

- | | |
|------------------------------|------------------------|
| A. 1100 Gough St. | M001-26R thru M001-64R |
| B. 130 Eddy St. #400 | M001-37A |
| C. 2515 Sacramento St. #1 | M001-36A |
| D. 147A Stillman St. | M001-65R |
| E. 460 Broderick Ave. | M001-39A |
| F. 415 Lyon St. #6 | M001-66R |
| G. 577 Castro St. #202 & 204 | M001-67R & M001-68R |
| H. 2143-B Powell St. | M001-40A |

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business

- A. Vacancy Control Regulations
- B. Political mailings by Commissioners

- IV. Remarks from the Public (cont.)

- X. New Business

- XI. Appeal Hearing

6:00 499 Alabama M001-29A
(acctpt.10/1/91)

- XII. Calendar Items

- XIII. Adjournment

0125M

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DENICE STEPHENSON
WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, October 29, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Vice-President Hammill called the meeting to order at 5:33 p.m.

II. Roll Call

Commissioners Present:	Hammill; Rossoff; Stephenson.
Commissioners not Present:	Astle; Carrico; Schlichtmann; Villa.
Staff Present:	Grubb; O'Hearn.

Commissioner McGoldrick appeared on the record at 5:35 p.m.
Commissioners How and Marshall appeared at 5:38 p.m.
Commissioner Marshall left the meeting at 6:45 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 21, 1991.
(Rossoff/Stephenson: 3-0)

IV. Consideration of Appeals

A. 1100 Gough St. #14A M001-26R through M001-64R

MSC: To excuse Commissioner McGoldrick from
consideration of this matter.
(Stephenson/Rossoff: 3-0)

Thirty-eight tenants filed untimely appeals: twelve [M001-27R through M001-38R] challenging the remand decision of twelve tenant petitions; and twenty-six [M001-39R through M001-64R] challenging the decision on the landlord's capital improvement petition. One tenant [M001-26R] timely appealed the remand decision. The appeal deadline was on a weekend and, after consultation with Rent Board staff, the tenants were misinformed that their filing deadline would be extended to the next business day.

MSC: To find good cause for these late appeals.
(Stephenson/How: 3-0)

Twenty-two tenants filed petitions between July 9, 1990 and September 21, 1990 alleging substantial decreases in housing services, failure to repair and incorrect calculation of the PG&E passthrough. Appeals were filed by the landlord and 14 tenants. On July 2, 1991 the Commissioners denied the appeals on all issues except for the PG&E passthrough, which was remanded to the Hearing Officer with instructions that the passthrough must be recalculated every year or discontinued. On remand, the Hearing Officer again allowed the PG&E passthroughs, as the Board had not voted to suspend the rule requiring recalculation only at the time of an annual increase, and granted capital improvement passthroughs.

The landlord petitioned for capital improvement certification on May 3, 1991 and that case was consolidated for hearing with the remand on the 14 tenant appeals. Twenty-six tenants filed separate appeals asserting that the capital improvements were unnecessary and excessively costly.

MSC: To deny all appeals. (Rossoff/How: 4-0)

B. 130 Eddy St. #400 M001-37A

The elderly tenant in this case was granted rent reductions due to the lack of a functioning elevator. There was no appearance at the hearing by the landlord. The owner of the property, a residential hotel, appeals stating he has no problem with the decision, but asks that the Board clarify whether the tenant is current in his rent payments before allowing him to take rent deductions. (According to a subsequent case involving the same building, the former lessor/master tenant and his manager refused to provide rent receipts and sometimes the manager required payment in cash, requiring extra money for rent receipts.)

MSC: To deny the appeal. (Marshall/Rossoff: 4-0)

C. 2515 Sacramento St. #1 M001-36A

The tenant was granted rent reductions due to his assumption of a portion of the utility bills for the building, which had previously been included in his rent. On the day before the hearing, the landlord requested a postponement due to her being in the military reserves. The landlord was asked to provide a written postponement request and documentation. Since she declined to do so, the hearing went on as scheduled. On appeal, the landlord provides a copy of her order for active duty and requests another hearing.

MSC: To accept the appeal and remand the case to the same hearing officer for a new hearing.
(Rossoff/How: 4-0)

D. 147-A Stillman St.

M001-65R

The tenant claimed six items as decreases in services and alleged that the landlord had failed to make requested repairs. The Hearing Officer found that only one item, a reduction in the number of electrical outlets, warranted a rent reduction and deferred the landlord's annual rent increase by one month. On appeal, the tenant claims that the Hearing Officer ignored major problems in favor of trivial ones, made factual errors, and showed partiality toward the landlord.

MSC: To deny the appeal. (Rossoff/How: 4-0)

E. 460 Broderick Ave.

M001-39A

MSC: To excuse Commissioner Rossoff from consideration of this matter.
(McGoldrick/How: 4-0)

The landlord's attorney has submitted a declaration stating that a clerical error in his office resulted in the late filing of this appeal.

MSC: To find good cause for this late appeal.
(McGoldrick/How: 3-0)

The landlord's petition for certification of capital improvements was approved by the Hearing Officer. In the case of one unit, however, rent overpayments in excess of \$4,000.00 were determined due to a prior capital improvement passthrough being included in base rent and not being discontinued at the end of the amortization period. The landlord appeals, claiming that the amounts overcharged were de minimus and that rendering the increases null and void in their entirety results in hardship to the landlord.

MS: To deny the appeal. (Marshall/McGoldrick)

MSC: To continue the matter until the next Board meeting in two weeks. (Marshall/McGoldrick: 3-0)

F. 415 Lyon St. #6

M001-66R

The tenant's petition claiming illegal rent increases was denied by the Hearing Officer as the tenant failed to meet her burden of proof. On appeal, the tenant maintains that she made a prima facie showing that there were illegal increases and provided proof in the form of two checks and two receipts, and that is all that is necessary.

MSC: To deny the appeal. (Rossoff/How: 4-0)

G. 577 Castro St. #202 & #204 M001-67R & M001-68R

The tenants in two units petitioned for rent reductions due to the loss of bathroom tile upon the landlord's replacement of shower fixtures. The petitions were denied, as the hearing officer found that the tenants had insisted on a certain color of tile, which was prohibitively expensive. On appeal, the tenants claim that although they stated a preference for the original pink as opposed to modern white tile, they did not interfere and the landlord simply had no intention of replacing the tile at all.

MSC: To deny the appeal. (Rossoff/How: 4-0)

H. 2143-B Powell St. M001-40A

The tenant was granted rent reductions due to substantially decreased housing services, including lack of heat. On appeal, the landlords allege that the tenant was dishonest at the hearing; that the Hearing Officer ignored their statements and evidence; and that the tenant should have come to them with repair requests first, instead of filing at the Rent Board. The Hearing Officer determined that the tenant had given notice by letter dated more than two months prior to filing the petition.

MSC: To deny the appeal. (Rossoff/Marshall: 4-0)

VI. Communications

In addition to correspondence concerning appeal cases or hearings on the agenda, the Commissioners received the following communications:

A. the Board Decisions on Appeal for the two cases heard on October 8, 1991 (4605 Balboa St. #4, Appeal No. M001-09R, and 500 Hyde St. #601, Appeal No. M001-12R);

MSC: To approve the decisions for signature by Vice-President Hammill. (Rossoff/How: 4-0)

B. an updated confidential phone/address list of Commissioners and supervisory staff;

C. a memo to the Commissioners from the Deputy Director concerning information needed on Commissioners' Appearance before the Rent Board; and

D. the Deputy Director's list of 1991 rent control court cases.

VII. Old Business

- A. Vacancy Control Regulations
- B. Political mailings by Commissioners

Both items were continued to the next meeting following the election.

VIII. Director's Report

The Executive Director reported that a clerk typist has been hired to start working Monday. A counselor also has been hired to replace Pedro Ruiz. Ruperto Fabito, who previously worked for the Board on a temporary basis, will begin working in mid-November.

IX. Appeal Hearing

499 Alabama St. #107 & #123 M001-29A

The Commissioners accepted this appeal on October 1, 1991 for hearing before the Board on the issue of landlord hardship and overpayments due to null and void rent increases. The hearing commenced at 6:37 p.m. and concluded at 8:52 p.m. The record is left open until November 8, 1991 for the landlord submission of rent histories and until November 15, 1991 for any tenant response. Alternatively, the parties were urged to come to a settlement agreement prior to the Board's disposition of the matter on November 19, 1991.

X. Calendar Items

November 5, 1991 - Election Day, NO MEETING

November 12, 1991

9 appeal considerations (including 1 cont. from 10/29)

Appeal Hearing: 1369 Hyde St. (post. from 9/24)

Old Business: 1060 Bush St. #103 (cont. from 10/22)

Vacancy Control Regulations

Political Mailings by Commissioners

November 19, 1991

5 appeal considerations

Old Business: 499 Alabama St. #107 & #123 (heard 10/29)

XI. Adjournment

Vice-President Hammill adjourned the meeting at 8:52 p.m.



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
November 12, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A. 460 Broderick St.	M001-39A
(cont. from 10/29/91)	
B. 1142 Mariposa St. #3	M001-38A
C. 331 Octavia St. #11	M001-70R
D. 331 - 17th Ave.	M001-41A
E. 1536 Great Highway #38	M001-71R
F. 4 College Ave.	M001-69R
G. 1663 Florida St.	M001-42A
H. 1034 Potrero St. #2	M001-43A
I. 1502 Great Highway	M001-44A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A. 1060 Bush St. #103	M001-25R
(cont. from 10/22/91)	
B. Vacancy Control Regulations	
C. Political mailings by Commissioners	

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing	
6:00 1369 Hyde St.	M001-19A
(postponed from 9/24/91)	

XII. Calendar Items

XIII. Adjournment

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Residential Rent Stabilization
and Arbitration Board



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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, November 12, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:37 p.m.

II. Roll Call

Commissioners Present:	Astle; Carrico; Hammill; Rossoff; Stephenson; Villa.
Commissioners not Present:	McGoldrick; Schlichtmann.
Staff Present:	Grubb; O'Hearn.

Commissioner Marshall appeared on the record at 5:38 p.m.
Commissioner How appeared at 5:44 p.m. President Astle left
the meeting at 7:14 p.m. at which time Vice-President
Hammill presided over the meeting.

III. Approval of the Minutes

MSC: To approve the Minutes of October 29, 1991.
(Stephenson/Hammill: 5-0)

IV. Remarks from the Public

Al Goodwin requested a log or computer list of all landlord
and tenant petitions filed with the Rent Board.

V. Consideration of Appeals

A. 460 Broderick Ave. M001-39A

Commissioner Rossoff was excused from consideration of this
matter continued from October 29, 1991. The late submission
from the landlord's attorney was disregarded. The previous
motion to deny the appeal was withdrawn and the following
motion was carried:

MSC: To accept the appeal for Board hearing in the
interest of justice and fairness to consider
whether the overcharges were de minimus.
(How/Carrico: 5-0)

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B. 1142 Mariposa St. #3 M001-38A

The Hearing Officer determined that the tenant was entitled to a \$30 per month rent reduction due to the loss of closet and storage space after renovation; and \$40 per month due to the conversion of landlord-supplied heat to tenant-paid individually metered heat. The landlord appeals, claiming that the tenant only filed in retaliation for the landlord's having been granted capital improvement passthroughs; and that the amounts are excessive and unfair.

MSC: To deny the appeal. (Marshall/Hamill: 3-2;
Carrico and How dissenting)

C. 331 Octavia ST. #11 M001-70R

The tenant appeals the certification of capital improvement costs due to the fact that he has AIDS and is therefore experiencing financial hardship.

MSC: To accept the appeal for Board hearing.
(Marshall/How: 5-0)

Staff was directed to attempt a conciliation agreement between the parties.

D. 331 - 17th Ave. M001-41A

The tenant was granted various rent reductions due to substantially decreased housing services including sink area leakage (3%), bathroom windows (3%), dining room window (3%), stove (5%), and loss of electricity (\$45). On appeal, the landlord alleges that the tenant's statements at the hearing were untrue and that therefore certain Findings in the decision were incorrect; that damage caused by the tenant to the back yard garden should be offset against the amount owing; and that travel from Texas to this and a previous hearing have caused him financial hardship.

MSC: To remand the case to the hearing officer for hearing only on the issues of the date of the stove repair and the date of verifiable notice of problems with the bathroom window.
(Carrico/How: 3-2; Marshall and Astle dissenting)

E. 1536 Great Highway #38 M001-71R

The tenant petitioned for rent reduction due to his allegation that a newly assigned parking space was not as desirable as his previous parking arrangements. His petition was denied, but his appeal was accepted by the Board and the case was remanded for "a finding on the decrease in service and a determination of the value of that

service." The remand decision upholds the original decision that the tenant's claim is not sufficiently substantial to warrant a rent reduction. The tenant again appeals, asserting that the Hearing Officer is mistaken.

MSC: To deny the appeal. (How/Carrico: 5-0)

F. 4 College Ave. M001-69R

The tenant was granted monthly rent reductions to correspond with decreased housing services due to lack of heat (\$50 until heaters installed and \$20 until the violation has been abated) and detached handrail (\$20). Other requested reductions were denied due to the lack of verifiable notice to the landlord. The tenant appeals, claiming that the amounts are inadequate; that she gave oral notice to the landlord, which he denies; and that the landlord promised substantial renovation of the premises prior to her moving in.

MSC: To deny the appeal. (Carrico/How: 5-0)

G. 1663 Florida St. M001-42A

The landlords' petition for increases due to capital improvements was granted, but their request for an operating expense increase was denied. The landlords compared their expenses from July 1987 through June 1989, which the Hearing Officer ruled was specifically disallowed by Rule 6.10(a). On appeal, the landlords contend that the comparison periods do not create exaggerated results, but serve to demonstrate the timing of the permanent increase in expenses due to a property tax reassessment subsequent to inheritance.

MSC: To remand the case to the hearing officer for further hearing with instructions that the time periods chosen do not create exaggerated results in this case. (Carrico/How: 5-0)

H. 1034 Potrero Ave. #2 M001-43A

The tenant's decreased services petition was denied by the Hearing Officer, but rent overpayments were determined in the amount of \$1,298.00. The landlord appeals, claiming that the alleged null and void increases did not take effect prior to the one year anniversary dates, as stated in the decision.

MSC: To remand to the hearing officer for hearing on the dates of rent increases.
(How/Carrico: 5-0)

I. 1502 Great Highway

M001-44A

The tenant was granted a \$50 per month rent reduction due to the lack of washer-dryer hook-ups verifiably promised prior to commencement of the tenancy. The landlord failed to appear at the properly noticed hearing and alleges that his property manager neither informed him nor attended on his behalf. He also maintains that there was never an agreed-upon date for the electrical installation.

MSF: To remand the case for another hearing before the hearing officer. (Carrico/How: 2-3; Hammill, Marshall and Astle dissenting)

The motion having failed, the appeal is denied.

VI. Appeal Hearing

1369 Hyde St.

M001-19A

MSC: To excuse Commissioner Stephenson from this case. (Marshall/Hammill: 5-0)

This appeal was accepted for hearing on September 3, 1991 on the following issues only: the anniversary date for unit #58; the August 1990 rent increase notice; and the amortization schedule for the capital improvement passthrough. The hearing scheduled for September 24, 1991 was postponed at the request of the tenants' representative based on good cause.

The rescheduled hearing commenced at 6:25 p.m. with the landlord, his attorney, and the tenants' representatives present. Following argument and testimony on the issues, the hearing closed. The Commissioners discussed the matters and continued consideration of issue regarding the August 1990 rent increase notice to the next meeting in order for staff to listen to the relevant portion of the tape recording of the hearing before the hearing officer. The Commissioners approved the following motions with regard to the remaining two issues:

MSC: To modify the Hearing Officer's decision concerning rent overpayments made by the tenant of unit 58 to conform with the prior Board Decision on Appeal concerning rent overpayments for unit 27 with calculations adjusted according to the termination of tenancy for unit 58. (Carrico/Marshall: 5-0)

MSC: To approve a 7-year amortization period for exterior painting costs approved by the Hearing Officer, with any past amounts owing as a result of recalculations added to the end of the amortization period. (Carrico/How: 5-0)

VII. Communications

In addition to correspondence concerning appeal cases or hearings on the agenda, the Commissioners received the following communications:

A. a memo and attachment from the Executive Director concerning the dismissal of an EEOC complaint against the Rent Board; and

B. the October statistics concerning petitions filed and hearings held at the Rent Board.

VIII. Director's Report

Due to staffing shortages caused by vacancies and vacation, calls have not been answered as quickly as in the past. A new counselor, Ruperto Fabito, who worked here last year, will start Nov. 18th. This will provide full staffing and should eliminate the backlog of calls.

Hearing Officer Decisions are now issued within 30 days.

IX. Old Business

A. 1060 Bush St. #103 M001-25R

Tenants were contacted and said they would not come to the hearing and were going to pay the increase.

MSC: To dismiss the appeal and uphold the Hearing Officer's decision. (How/Hammill: 5-0)

B. Political mailings by Commissioners

President Astle stated why she did not believe the subject of political mailings was a matter for discussion by the Commissioners and then left the meeting. Commissioner Marshall complained that the Commissioners had previously agreed not to do mailings that were misleading or deceptive. Commissioner Carrico defended the mailing as legal. He noted that a second mailing was made clearer as to the source in response to the complaints raised by the first mailing. There was general agreement that any future mailings by any Commissioner would be done so as to avoid any possible confusion as to the source of the mailing.

IV. Remarks from the Public (cont.)

Al Goodwin requested Hearing Officers to be more consistent when they discover that a landlord has requested a passthrough as a capital improvement that should really be an operating and maintenance expense, particularly as to allowing the petition to be amended at the hearing.

X. New Business

Commissioner Rossoff asked if landlords are warned when they file a petition that there may be errors discovered by the Hearing Officer that could have an adverse financial impact on them. Commissioners requested staff to consider this and the possibility of including this warning on the petition form.

XII. Calendar Items

XIII. Adjournment

Vice-President Hamill adjourned the meeting at 7:31 p.m.

November 19, 1991

5 appeal considerations

Old Business: 499 Alabama St. (heard 10/29)

1369 Hyde St. (heard 11/12)

November 26, 1991

4 appeal considerations

Appeal Hearing: 331 Octavia St. #11 (accpt. 11/12)

December 3, 1991

2 appeal considerations

Old Business: Possible Amendments to the Ordinance

Appeal Hearing: 460 Broderick St. (accpt. 11/12)

City and County of San Francisco



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
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WILLIAM VILLA

Residential Rent Stabilization and Arbitration Board

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
November 19, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
- | | |
|---|----------------------------------|
| A. 1715 Broadway #5 | M001-45A & M001-72R |
| B. 655 Steiner St. #106,
#306 and #103 | M001-46A,
M001-76R & M001-77R |
| C. 540 Stockton St. #9 | M001-73R |
| D. 275 States St. | M001-74R |
| E. 939 Woolsey St. | M001-75R |
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- | | |
|---|----------|
| 499 Alabama St. #107 & #123
(heard 10/29/91) | M001-29A |
|---|----------|
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- IX. Old Business (cont.)
- XII. Adjournment

DOCUMENTS 8-222

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City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, November 19, 1991 at 5:30 p.m. at

25 Van Ness Avenue, Suite 70, Lower Level

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

I. Call to Order

Vice-President Hammill called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present:	Hammill; How; McGoldrick; Rossoff; Stephenson.
Commissioners not Present:	Astle; Schlichtmann; Villa.
Staff Present:	Grubb; Wolf.

Commissioner Marshall appeared on the record at 5:35 p.m. and left the meeting at 6:20 p.m. Commissioner Carrico appeared at 5:45 p.m. Commissioner Rossoff left the meeting at 6:55 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 12, 1991.
(Rossoff/Stephenson: 4-0)

IV. Consideration of Appeals

A. 1715 Broadway #5 M001-45A & M001-72R

The tenant petitioned regarding decreased housing services and was granted a \$50 per month rent reduction due to inadequate heat and an additional \$50 per month for inadequate water pressure and unregulated water temperatures. Both the landlord and the tenant appeal the hearing officer's decision. The tenant claims that the amounts granted are inadequate, as the unit is untenable due to the conditions; the landlord maintains that the building inspector did not require any corrective measures, and that there is nothing to fix or repair.

MSC: To deny both appeals. (McGoldrick/How: 5-0)

B. 655 Steiner St. #106, #306 & 103
M001-46A, M001-76R & M001-77R

The tenants were granted \$20 in addition to the landlord's voluntary rent reduction to compensate for the conversion from landlord-supplied to individually metered heat. The landlord appealed, and the Board remanded the case only for findings on the \$20.00 decrease amount. On remand, the hearing officer reversed the original decision, finding that the landlord's voluntary reduction of \$8 for studios and \$11 for one-bedrooms was sufficient. The hearing officer left intent the original decision granting the tenant in unit #106 \$120 due to the lack of a fire escape key and the poor condition of the walls in her unit.

The landlord and both tenants appeal the remand decision. The landlord appeals only as to the rent reduction granted to unit #106, alleging that the key issue only came up as a result of the steam heat conversion; and that the tenant greatly exaggerated the facts regarding the condition of the walls in her unit. Both tenants appeal the reversal of the \$20 rent reduction, claiming that the hearing officer is biased in favor of the landlord, as he granted the landlord's earlier petition for rent increases. The tenants' appeals were filed 7 days after the deadline, and no response was submitted to staff's written request for an explanation.

MSC: To deny the landlord's appeal.
(How/Rossoff: 4-0)

MSC: To find that no good cause exists for the late filing of the tenants' appeals; the hearing officer's decision on remand is therefore final.
(How/Rossoff: 4-0)

C. 540 Stockton St. #9 M001-73R

The tenant was granted rent reductions to correspond with decreased housing services. The landlord appealed, and the Board remanded the case on the issues of the radiator leak and mildew problems. On remand, the hearing officer reversed the original decision, finding that the landlords acted within a reasonable period of time to correct the mildew problem and that the one-time radiator leak was not of sufficient substantiality to warrant a rent reduction. The tenant appeals, alleging that the hearing officer's decision is arbitrary and capricious, and that evidence consisting of the file and taped record was ignored.

MSC: To deny the appeal.
(Rossoff/How: 3-1; Marshall dissenting.)

D. 275 States St.

M001-74R

The tenant's petition for rent reduction due to the closing off of an attic previously used as living space was denied, as the hearing officer found that the tenant failed to establish any basis to reasonably expect that his rent included use of the attic. The tenant appeals, alleging that the attic contained electrical and phone outlets, the lease contained no prohibition against the use of the attic as living space, and that 46.9% of the total rental space was reduced when the landlord sealed off the attic.

MS: To accept the appeal and schedule a hearing before the Board. (Marshall/McGoldrick)

Prior to voting on the motion, it was the consensus of the Board to continue this case for one week.

E. 939 Woolsey St.

M001-75R

The tenant petitioned for rent reduction due to the alleged loss of use of the garage. The hearing officer found that the garage was not provided as part of the tenancy and denied this part of the tenant's petition, but determined rent overpayments owing to him by the landlord. The tenant appeals only as to the garage issue, maintaining that the garage was always an essential service provided to him in conjunction with his tenancy.

MSC: To deny the appeal. (Carrico/How: 4-0)

V. Communications

In addition to correspondence concerning appeal cases on the agenda, the Commissioners received the following communications:

A. A FAX from Senator Quentin Kopp regarding the case at 499 Alabama Street (Project Artaud).

B. An order granting a Writ of Mandate filed regarding the property at 10 Tenth Avenue.

VI. Director's Report

The Executive Director informed the Commissioners that Eviction Unit staff members Pedro Ruiz and Carmen Herrera participated in a Police Department program for South of Market hotel owners.

Mr. Grubb also briefly discussed the issue brought up by Al Goodwin at last week's meeting regarding hearing officer consistency when encountering operating expenses petitioned as capital improvements. He will discuss some of the Board's suggestions further with the Deputy Director.

0132M

VII. Old Business

B. 1369 Hyde St. M001-19A (heard 11/12/91)

Commissioner Stephenson continued to be excused from consideration of this case.

Following discussion, the Board passed the following motion:

MSC: To find that the original notice of rent increase is not null and void and the anniversary date remains October 1st; the correct base rents will be calculated by staff; and any overpayments made by tenants are to be refunded if this has not already been done.
(Carrico/How: 4-0)

B. 499 Alabama St. #107 & #123
M001-29A (heard 10/29/91)

The Commissioners discussed various approaches to possible resolution of this case. Staff volunteered to work out several possible refund scenarios, and the matter was therefore continued for two weeks.

III. Approval of the Minutes (cont.)

Commissioner Marshall appeared on the record after the Minutes of November 12th had been approved. She requested that certain changes be made to Item B of Old Business, Political Mailings by Commissioners, and the Board agreed by consensus to that section being changed to read as follows:

President Astle stated why she did not believe the subject of political mailings was a matter for discussion by the Commissioners and then left the meeting. Commissioner Marshall stated that the Board has a policy that Commissioners will clearly identify when they are speaking for the Board and when they are speaking in their individual capacity, and that Commissioner Carrico had violated that policy with his "Rent Control Board" political mailing. Commissioner Carrico stated that he did not think that the public believed that the mailing came from the Board. He noted that a second mailing was made clearer as to the source in response to the complaints raised by the first mailing. There was general agreement that any future mailings by any Commissioner would be done so as to avoid any possible confusion as to the source of the mailing.

VIII. Remarks from the Public

Trudy Armijo addressed the Commissioners regarding her appeal of the decision on 540 Stockton St. #9, which had been denied.

0132M

IX. New Business

Commissioner McGoldrick requested that the Outreach Committee be placed on next week's agenda.

X. Calendar Items

November 26, 1991

5 appeal considerations (1 cont. from 11/19)

Appeal Hearing: 331 Octavia St. #11 (accpt. 11/12)

Old Business: Outreach Committee

December 3, 1991

7 appeal considerations

Old Business: Possible Amendments to the Ordinance
499 Alabama (cont. from 11/19)

Appeal Hearing: 460 Broderick St. (accpt. 11/12)

December 10, 1991 - NO MEETING (Election Day)

The Board agreed not to hold meetings on Christmas Eve or New Year's Eve (December 24th and 31st).

XI. Adjournment

Vice-President Hammill adjourned the meeting at 7:00 p.m.

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
November 26, 1991

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

25 Van Ness Avenue, #70, Lower Level

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

- A. 275 States St. M001-74R
(cont. from 11/19)
- B. 1100 Gough St. M001-47A
- C. 164 Hancock M001-48A
- D. 810 Eddy #503 M001-78R
- E. 2609 Judah #8 M001-79R

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions

- A. 3973 18th St. #1 L002-65E
- B. 623 Peralta Ave. M001-26E
- C. 67-A Mirabel Ave. L003-48E
- D. 1400 Filbert St. #1 L003-18E
- E. 3100 Fulton St. #14 L003-66E
- F. 26 Coso Ave. M001-17E

- IX. Old Business
- Outreach Committee
- IV. Remarks from the Public (cont.)
- X. New Business

- XI. Appeal Hearing

6:00 331 Octavia St. #11 M001-70R (accpt.11/12/91)

- XII. Calendar Items
- XIII. Adjournment

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and Arbitration Board



RUTH ASTLE
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VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
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JAKE MCGOLDRICK
MICHAEL ROSOFF
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WILLIAM VILLA

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Tuesday, November 26, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

President Astle called the meeting to order at 5:39 p.m.

II. Roll Call

Commissioners Present:	Astle; McGoldrick; Rossoff; Schlichtmann; Stephenson, Villa.
Commissioners not Present:	Hammill; How.
Staff Present:	Grubb; Ruiz.

Commissioner Carrico appeared on the record at 5:45 p.m. and
Commissioner Marshall at 6:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 19, 1991.
(Rossoff/Stephenson: 5-0)

IV. Consideration of Appeals

A. 275 States St. M001-74R
(Cont. from 11/19)

The tenant's petition for rent reduction due to the closing off
of an attic previously used as living space was denied, as the
hearing officer found that the tenant failed to establish any
basis to reasonably expect that his rent included use of the
attic. The tenant appeals, alleging that the attic contained
electrical and phone outlets; the lease contained no
prohibition against the use of the attic as living space; and
that 46.9% of the total rental space was reduced when the
landlord sealed off the attic.

MSC: To accept the appeal and schedule a hearing
before the Board. (Marshall/McGoldrick: 5-0)

B. 1100 Gough St.

M001-47A

MSC: To excuse Commissioner McGoldrick from consideration of this appeal.
(Rossoff/Stephenson: 4-0)

Five tenants petitioned for rent reductions based on decreased housing services due to the condition of the elevators and the security entry system. Rent reductions were previously granted on these issues pursuant to a prior Decision of the Hearing Officer issued on May 12, 1991, and upheld on appeal in Case No. L001-91A. The tenants were granted varying sums for reduced elevator service depending on the extent to which each tenant was individually affected and on which floor s/he resided. The requests for rent reduction for the faulty entry system were denied due to the lack of verifiable notice to the landlord. The landlord appeals, claiming that there is no substantial evidence to support the findings that there were decreases in service pertaining to the elevator service.

MSC: To deny the appeal. (Rossoff/Stephenson: 4-0)

C. 164 Hancock St.

M001-48A

The hearing officer determined rent overpayments in the amount of \$12,075.00 and monthly rent reductions to correspond with decreased housing services due to lack of heat (\$150.00) and construction noise (\$75.00). The hearing officer who conducted the hearing on this petition was unable to complete the decision. The case was therefore assigned to another hearing officer who listened to the taped record of the hearing and reviewed each document in the file. The landlord appeals, claiming that the hearing officer did not have jurisdiction to render a decision.

MS: To deny the appeal.
(McGoldrick/Stephenson)

Prior to voting on this motion, it was the consensus of the Board to continue this case until December 17th. Staff was directed to consult with the City Attorney's office regarding the implications of having a motion on the table, the limitations on the number of motions on each case, and the rationale behind this procedure.

D. 810 Eddy Street #503

M001-78R

This appeal was withdrawn prior to the meeting.

E. 2609 Judah St. #8

M001-79R

In May 1988, the tenants moved within the building from unit #10 to unit #8. The tenants' petition was due to the alleged loss of use of storage and garage space formerly furnished as 0134M

part of their tenancy in unit #10. The hearing officer found that the storage space was not provided as part of their tenancy when they moved into unit #8. The tenants appeal on this issue, maintaining that the loss occurred prior to their moving into unit #10.

MSC: To deny the appeal. (Rossoff/Stephenson: 5-0)

V. Communications

In addition to correspondence concerning appeal cases or hearings on the agenda, the Commissioners received the following communications:

A. A letter from Senator Kopp to the Executive Director thanking him for his response to his inquiry regarding Project Artaud.

B. Board Decisions on appeal for 3178 and 3182 Mission Street and 1060 Bush Street #B-1 and #103, which were approved by the Board and signed by President Astle.

C. A letter to Rent Board Supervisor Delene Wolf from the Director of Project Artaud (449 Alabama Street) regarding Appeal No. M001-29A.

D. An updated roster of Rent Board employees.

E. A letter from the District Attorney's office regarding the status of a Rent Board eviction case referred to that agency.

VI. Director's Report

A. Rod Wong, a staff Citizen Complaint Officer, made a presentation at USF.

B. The Christmas party scheduled for December 6th was discussed.

VII. Consideration of Allegations of Wrongful Eviction

A. 3973 - 18th Street #1 L003-67E

The tenant has occupied this unit since June 1984. The landlords have owned the property since October 1990. The present case is of particular concern due to the landlord's past behavior in eviction matters before the Rent Board. In two previous cases, the landlord gave improper oral and written notices to long-term tenants to vacate.

On June 6, 1991, the tenant filed a petition alleging a substantial decrease in housing services without a corresponding reduction in rent and a Report of Alleged Wrongful Eviction. A consolidated hearing was held on September 16, 1991. The landlord has harrassed the tenant by removing his personal belongings and giving oral and written notices for owner occupancy and/or capital improvements.

RECOMMENDATION: There are many irregularities, suggestions of improper actions and suspect motivation in this case and two previous cases. It is the recommendation of the Eviction Unit that a strongly-worded letter be sent to the landlord, that the matter be referred to the District Attorney, and that the case be closely monitored by the Rent Board.

B. 623 Peralta Avenue

M001-26E

The tenant filed a petition on May 6, 1991, alleging a substantial decrease in housing services without a corresponding reduction in rent. After filing the petition, the tenant received a letter from the landlord threatening her with eviction and the tenant then filed a Report of Alleged Wrongful Eviction. A consolidated hearing was held on September 25, 1991.

The landlord has owned the property since 1980, and the tenant has occupied the unit since August of that year. Problems between the landlord and the tenant are long-standing. On May 20, 1991, the landlord sent the tenant a letter threatening her with eviction on three grounds: unauthorized occupants in the unit; refusal to sign a new lease; and refusal to provide access. None of these allegations appear to have merit.

RECOMMENDATION: Despite the fact that the landlord has rescinded his eviction attempt at this time, it is the recommendation of the Eviction Unit that he be sent a strongly-worded letter advising him that retaliatory eviction is illegal, harrassment of the tenant may constitute attempted constructive eviction and that the Rent Board intends to monitor this case.

C. 67-A Mirabel Avenue

L003-48E

On May 15, 1991, the tenant filed a petition for decreased housing services and a Report of Alleged Wrongful Eviction. A hearing was held on September 30, 1991.

The property is a two-unit building which the landlord has owned since 1987. The tenant has occupied his unit since January 1991. On May 1, 1991, the tenant was served with an eviction notice. The notice gave no just cause for eviction, but was accompanied by a letter instructing the tenant that he had thirty (30) days to vacate so that needed repairs could be done. The tenant also alleges that the landlord has made previous threats of eviction because of his low rent. According to the landlord's current attorney, the eviction notice has been withdrawn.

EVALUATION: At no time during the Rent Board's investigation has the landlord complied with the Rent Ordinance. The notice was defective, he did not obtain the necessary permits before giving notice to vacate, and he did not give the tenant the right to reoccupy the premises upon completion of the work. The withdrawal of the eviction notice does not excuse the landlord's violation of the Rent Ordinance as the Rent Board was never notified that such action had been taken.

RECOMMENDATION: Based on the present and previous attempts at evicting the tenant, it is recommended that a strongly-worded cautionary letter be sent to the landlord advising him that his attempted eviction of the tenant was illegal and that his failure to repair the subject premises may constitute an attempted constructive eviction. The Eviction Unit should continue to monitor this case.

MSC: To accept staff recommendations on all three cases. (McGoldrick/Villa: 5-0)

VIII. Remarks from the Public

An attorney asked if there was a procedure for informing absentee landlords that there is Rent Stabilization in San Francisco.

IX. Appeal Hearing

331 Octavia St. #11

M001-70R (accpt. 11/12/91)

This case was settled and taken off calendar.

X. Calendar Items

December 3, 1991

6 appeal considerations

Old Business: Amendments to the Ordinance
499 Alabama (cont. from 11/19)
Outreach Committee

Appeal Hearing: 460 Broderick St. (accpt. 11/12)

December 10, 1991 - NO MEETING (Election Day)

December 17, 1991

5 appeal considerations

Appeal Hearing: 275 States St. (accpt. 11/26)

The Board agreed not to hold meetings on Christmas Eve or New Year's Eve (December 24th and 31st).

XI. Adjournment

President Astle adjourned the meeting at 7:05 p.m.

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

ART AGNOS
MAYOR

December 3, 1991

25 Van Ness Avenue, #70, Lower Level

JOSEPH GRUBB
EXECUTIVE DIRECTOR

AGENDA

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A.	466 Frederick St. #4	M001-50A
B.	1720 Central Ave. #2	M001-51A
C.	2274-84 - 22nd Street	M001-54A
D.	802 Hayes St. #7	M001-52A
E.	3100 Fulton St.	M001-53A
F.	1720 Moraga St. #2	M001-80R

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A.	Ordinance Changes	
B.	499 Alabama St.	M001-29A
		(cont. from 11/19)
C.	Outreach Committee	

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing

6:00 460 Broderick St. M001-39A (accpt. 11/12)

XII. Calendar Items

XIII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, December 3, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

I. Call to Order

Vice-President Hammill called the meeting to order at
5:39 p.m.

II. Roll Call

Commissioners Present: Carrico; Hammill; How;
Marshall; McGoldrick;
Schlichtmann; Stephenson.
Commissioners not Present: Villa; Rossoff.
Staff Present: Grubb; O'Hearn.

President Astle appeared at 5:55 p.m.

III. Approval of the Minutes

MSC: To approve the minutes of November 26, 1991 with
the following corrections:

to add on page 1 at the end of Roll Call that
President Astle and Commissioners Marshall, Rossoff
and Schlichtmann left the meeting at 6:30 p.m.;

to move Old Business under item VIII on page 5 to
item XII on page 6 and state, "The Outreach Committee
(including Commissioners Carrico, Stephenson,
McGoldrick and Villa) met and discussed outreach
materials."

to reflect under Calendar Items on page 6 that the
Board agreed not to hold a meeting Christmas Eve
only; and

to reflect under Adjournment that Commissioner
McGoldrick adjourned the meeting.

(McGoldrick/Schlichtmann: 5-0)

IV. Consideration of Appeals

A. 466 Frederick St. #4 M001-50A

The tenant was granted rent reductions to correspond with decreased housing services, mostly having to do with earthquake damage in her unit. In addition, the hearing officer determined \$515.87 in rent overpayments owing by the landlord. The landlord appeals on the issue of illegal rent increases stating that the tenant had not raised the issue.

MSW: To remand the case to the hearing officer with instructions to clarify and explain the rent overpayments. (Carrico/How)

The motion was withdrawn and the appeal continued to the next meeting when it was discovered that neither the Commissioners nor the parties had received page 7 of the decision.

B. 720 Central Ave. #2 M001-51A

The tenant was granted rent reductions due to decreased housing services and a rent increase from \$430 to \$700 was declared null and void because the increase took effect after the owner occupant had vacated the building. On appeal, the landlord alleges that the prior owner resided in the building until after the effective date of the increase, and submits a Declaration from the former owner to this effect.

MSF: To remand the case to the hearing officer for further hearing on the dates the increase notice was given and when the former owner moved out. (Carrico/How: 2-3; Marshall, McGoldrick and Schlichtmann dissenting)

The motion having failed, the appeal was denied.

C. 2274-84 - 22nd St. M001-54A

The landlord's petition for certification of capital improvements was granted, in part, but the operating expense increase was denied. On appeal, the landlord points out several mathematical errors in the decision. The hearing officer issued a "Notice of Correction" to the decision.

MSC: To deny the appeal. (Marshall/How: 5-0)

D. 802 Hayes St. #7 M001-52A

The tenant was granted rent reductions to correspond with an inoperable oven (\$75 per month); reduced kitchen space when a new oven was put in without the old oven being removed

(\$25 per month); exposed wiring and an inoperable heater (\$20 per month); and chipped paint (\$10 per month). On appeal, the landlord asserts that the tenant was given an oven of equal value; the old oven could not be removed; the tenant's baby broke the heater and the landlord should not be held responsible; and the paint was not chipped due to normal wear and tear.

MSC: To remand the case to the hearing officer only on the issue of the heater and to deny the appeal on all other issues.
(Marshall/McGoldrick: 5-0)

E. 3100 Fulton St. M001-53A

Six tenants filed petitions as the result of earthquake-related damage to the building and subsequent tenant displacement. The hearing officer found that the tenants were due varying amounts due to earthquake-related repairs to their units; and the rent differentials for the period of displacement. The landlord appeals, asserting that the Board has no jurisdiction as the tenants voluntarily vacated after being appraised of the extent of damage and therefore terminated their tenancies.

MSC: To deny the appeal. (Marshall/McGoldrick: 4-1; Carrico dissenting)

F. 720 Moraga St. #2 M001-80R

The tenant's petition regarding decreased housing services was denied due to lack of notice to the landlord or the problems not being substantial enough to warrant rent reductions. The annual rent increase was deferred, however, until the landlord repairs the fireplace as this problem had been cited by BBI. The tenant appeals, alleging that she had informed the landlord of the problems, that she considered certain services depicted as "trivial" to be amenities for which she paid rent and that she had not denied the landlord access to the unit in order to make repairs.

MSC: To deny the appeal. (Astle/How: 5-0)

V. Appeal Hearing

460 Broderick St. M001-39A

MSC: To excuse Commissioner Carrico from consideration of this matter.
(Carrico/Astle: 5-0)

This appeal was accepted for Board hearing in the interest of justice and fairness to consider whether the overcharges

were de minimus. The landlord and his attorney were present; no appearance was made on behalf of the tenant. Following testimony and argument concerning the mistake of including a capital improvement passthrough in annual increase calculations, the hearing closed. The Commissioners discussed the case, passing the following motion:

MSC: To reverse the hearing officer's decision and determine that no increases are null and void; instead calculating only actual overpayments in the interest of justice in this particular case. (Astle/How: 3-1; Marshall dissenting)

VI. Communications

In addition to correspondence concerning cases on the agenda, the Commissioners received a notice concerning the Holiday Food Drive and agreed to bring canned food to the next meeting or to the office. They also received directions to the Staff/Commissioner holiday party.

VII. Director's Report

The Executive Director reported that the Deputy Director had participated in the inauguration of the Police Department Hotel Assistance Program on October 10th, and had been a guest speaker for the landlord/tenant class in paralegal studies at City College on November 12th.

The Director also reported that the Deputy City Attorney would attend the next meeting for discussions as requested.

VIII. Old Business

A. 499 Alabama #107 & 123 M001-29A

This matter was continued from the meeting of November 19th for staff calculations on various overpayment determinations. The Commissioners discussed the case and continued the matter until the next Board meeting for staff calculations of overpayments accruing only after the date of a Superior Court decision concerning the property in 1985.

B. Ordinance Changes

Discussion was postponed until after the mayoral election.

IX. Calendar Items

December 10, 1991 - NO MEETING (Election Day)

December 17, 1991

Executive Session - Govt. Code Sec. 54956.9(a)(b)
10 appeal considerations (including 2 cont'd)
Appeal Hearing: 275 States St. (accpt. 11/26)
Old Business: 499 Alabama (cont. from 12/3)
Amendments to the Ordinance

December 24, 1991 - NO MEETING

December 31, 1991 - NO MEETING

X. Adjournment

President Astle adjourned the meeting at 7:50 p.m.

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

NOTICE OF THE REGULAR MEETING OF THE SAN
FRANCISCO RESIDENTIAL RENT STABILIZATION
& ARBITRATION BOARD, Tuesday, 5:30 p.m.
December 17, 1991

25 Van Ness Avenue, #70, Lower Level

AGENDA

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

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WILLIAM VILLA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Executive Session Govt Code 54956.9(a)&(b)
Levy v. S.F. Rent Board, Superior Ct. No. 931-169
- VI. Consideration of Appeals
 - A. 164 Hancock St. M001-48A (cont. 11/26)
 - B. 466 Frederick St. #4 M001-50A (cont. 12/3)
 - C. 655 Steiner St. #306 M001-55A
 - D. 133 Buchanan St. M001-56A
 - E. 359 Green St. M001-81R, M001-83R
 units 8, 4 and 7 and M001-84R
 - F. 795 Corbett Ave. #5 M001-84R
 - G. 89 Mirabel Ave. M001-58A
 - H. 1840 Larkin St. #5 M001-59A
 - I. 698 Bush St. #506 M001-57A
 - J. 2010 Vallejo St. #1 M001-60A
 - K. 2162 Market St. #16 M001-86R
- VII. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
 - A. 499 Alabama St. M001-29A (cont. 12/3)
 - B. Ordinance Changes
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing
 - 6:00 275 States St. M001-74R (accpt. 11/26)
- XII. Calendar Items
- XIII. Adjournment



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, December 17, 1991 at 5:30 p.m. at
25 Van Ness Avenue, Suite 70, Lower Level

ART AGNOS
MAYOR

JOSEPH GRUBB
EXECUTIVE DIRECTOR

RUTH ASTLE
PRESIDENT

VIVIAN HAMMILL
VICE-PRESIDENT

TIM CARRICO
MAMIE HOW
POLLY MARSHALL
JAKE MCGOLDRICK
MICHAEL ROSOFF
JILL SCHLICHTMANN
DENICE STEPHENSON
WILLIAM VILLA

I. Call to Order

President Astle called the meeting to order at 5:45 p.m.

II. Roll Call

Commissioners Present:	Astle; Carrico; Hammill; Rossoff; Schlichtmann; Stephenson.
Commissioners not Present:	Marshall; McGoldrick; Villa.
Staff Present:	Grubb; Wolf.

Commissioner How appeared on the record at 6:40 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of December 3, 1991 as
written. (Stephenson/Carrico: 4-0)

IV. Executive Session

Pursuant to Government Code Section 54956.9(a) & (b), the Board
went into Executive Session from 5:47 p.m. to 6:50 p.m. to
discuss with the Deputy City Attorney the case of Levy v. S.F.
Rent Board, Superior Court No. 931-169, and made the following
motion:

MSC: To vacate its Board Decision on Appeal rendered
on March 5, 1991 and to remand this case to a
hearing officer for a new hearing and findings
on the issue of laches. (Astle/Carrico: 5-0)

V. Consideration of Appeals

A. 164 Hancock St. M001-48A
(cont. from 11/26)

The hearing officer determined rent overpayments in the amount
of \$12,075.00 and monthly rent reductions to correspond with
decreased housing services due to lack of heat (\$150.00) and
construction noise (\$75.00). The hearing officer who conducted
the hearing on this petition was unable to complete the
decision. The case therefore was assigned to another hearing
officer who listened to the taped record of the hearing and

reviewed each document in the file. The landlord appeals, claiming that the hearing officer did not have jurisdiction to render a decision.

MS: To deny the appeal. (McGoldrick/Stephenson)

Prior to voting on this motion on December 3rd, it was the consensus of the Board to continue this case until the December 17th meeting in order to consult with the City Attorney regarding the implications of having a motion on the table and the limitations on the number of motions on each case. Having discussed this issue with Deputy City Attorney Pennypacker, the Board passed the following substitute motion:

MSC: To accept this case for Board hearing in the interests of fairness and justice.
(Carrico/How: 4-1; Stephenson dissenting)

B. 466 Frederick St. #4 M001-50A (cont. from 12/3)

The tenant was granted rent reductions to correspond with decreased housing services, mostly having to do with earthquake damage in her unit. In addition, the hearing officer determined \$515.87 in rent overpayments owing by the landlord. The landlord appeals on the issue of illegal rent increases, stating that the tenant had not raised the issue.

The case was continued from the meeting of December 3rd in order for the Commissioners and the parties to receive page 7 of the decision.

MSC: To deny the appeal. (Carrico/Stephenson: 5-0)

C. 655 Steiner St. #306 M001-55A

The tenant's petition regarding the landlord's failure to repair was granted, in part, and the annual increase was deferred for 2.23 months due to the presence of peeling paint in the unit. On appeal, the landlord alleges that the hearing officer exhibited anti-landlord bias in that she ignored the landlord's evidence and accepted as fact tenant perceptions not supported by the evidence.

MSC: To deny the appeal. (Stephenson/Hamill: 5-0)

D. 133 Buchanan St. M001-56A

The landlord's petition for certification of capital improvements was granted, but rent overcharges were determined for one tenant. The landlord appealed, and the case was remanded on the issue of when owner-occupancy ceased at the subject building such that banking benefits would accrue to the landlord. The petition of another tenant on the same issue was consolidated for hearing.

The hearing officer determined that, as the landlord only temporarily left the subject premises to reside in a convalescent/retirement home, the building was still her principal place of residence and banked increases could not be taken for a period when there was no jurisdiction. The landlord appeals the remand decision, alleging that there are errors in the decision as to dates and other facts, and that the landlords' costs for capital improvements and below-market rents should be taken into consideration in the decision.

MSC: To accept the appeal and schedule a Board hearing on the issue of the dates of owner-occupancy.
(Carrico/How: 4-1; Stephenson dissenting)

E. 359 Green St. M001-81R through
units 4, 7 & 8 & M001-83R

The landlord's petition for certification of capital improvements was granted, in part. Three tenants appeal, alleging that the hearing officer incorrectly allowed sums in excess of that petitioned for, and that these three units were charged for new furnaces that they did not receive. A numerical/ clerical correction to the decision has been issued by the hearing officer.

MSC: To deny the appeal; however, staff will ascertain whether further numerical correction is needed. (Carrico/Hamill: 5-0)

F. 795 Corbett Ave. #5 M001-84R

The tenant's original petition for rent reduction due to roof leaks was granted by the hearing officer. Upon the landlord's appeal, the Board remanded the case, and it was consolidated with the tenant's later petition regarding loss of storage space. The remand decision granted the tenant \$25 per month for the leaks, but denied the claim regarding storage space, ruling that the tenant had not proved that storage space had been provided since the inception of the tenancy. The tenant appeals, asserting that he had continuous use of the storage space since 1982.

MSC: To deny the appeal. (Carrico/How: 5-0)

G. 67-A Mirabel Ave. M001-58A

The tenant petitioned regarding decreased housing services and was granted \$20 per month due to hazardous back stairs and \$75 per month for a hole in the roof that exposed the unit to the elements. The landlord appeals, alleging that the hearing officer did not let him speak and only accepted the tenant's evidence.

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MSC: To deny the appeal. (Stephenson/Hamill: 5-0)

H. 1840 Larkin St. #5 M001-59A

The tenant was granted a \$72 monthly rent reduction for loss of storage space that he had been using since 1986. On appeal, the landlord alleges bias on the part of the hearing officer, maintains that the tenant could not have used the space until at least 1988, and states that the hearing officer had agreed at the hearing that the amount requested by the tenant was too high.

MSC: To remand the case to the same hearing officer with instructions that the sense of the Board is that the value of the storage space is closer to \$30.00. (Stephenson/Hamill: 5-0)

I. 698 Bush St. #506 M001-57A

The landlord's appeal was filed 16 days late. In her Declaration of Non-Receipt of Notice of Hearing, the landlord states that the Notice of Hearing (and presumably the Decision of the Hearing Officer) was sent to the wrong unit in the building, and not the one where her resident manager lived.

MSC: To find that good cause exists for the late filing of this appeal. (Carrico/How: 4-1; Stephenson dissenting)

The tenant's petition regarding decreased housing services was granted, and the hearing officer determined that the tenant was owed \$500 for such conditions as pest infestation, intermittent elevator service, lack of maintenance and security, a filthy common bathroom, etc. The landlord failed to appear, and appeals on the grounds that she had not received notice of the hearing.

MSC: To accept the appeal and remand the case to the same hearing officer for a new hearing. (Carrico/How: 5-0)

J. 2010 Vallejo St. #1 M001-60A

The tenant's petition for rent reduction due to the unsanitary repair of her kitchen countertop was denied, as the hearing officer found that the issue had been part of a settlement agreement between the parties and was therefore *res judicata*. The tenant appeals, alleging that the issue had not been raised as part of the unlawful detainer settlement, because the parties believed the matter would be resolved through the Rent Board hearing process.

MSC: To deny the appeal. (How/Carrico: 4-1; Stephenson dissenting)

K. 2162 Market St. #16

M001-86R

The tenant's petition regarding decreased housing services was denied, as he failed to appear at the properly noticed hearing. On appeal, the tenant submits a Declaration of Non-Receipt of the Notice of Hearing, and states his belief that his mail is being stolen.

MSC: To accept the appeal and remand the case for a new hearing. (Carrico/Hamill: 5-0)

VI. Communications

In addition to communications regarding hearings or appeals scheduled for consideration, the Board received the following:

A. A letter from Eviction Unit Supervisor Pedro Ruiz to District Attorney Arlo Smith regarding the Board's referral of the case at 3973 18th St. #1 (L003-67E).

B. A memo from the Executive Director regarding affirmative action, showing that the Rent Board's workforce composition very favorably reflects the ethnic diversity of the San Francisco Labor Market.

VII. Director's Report

Executive Director Grubb reported on the following matters:

A. The resignation of Board President Ruth Astle will become effective no later than January 8, 1992.

B. Carmen Herrera of the Board's Eviction Unit was a guest lecturer at a City College Property Management class on December 12th.

C. Commissioners How, Hamill, Schlichtmann and McGoldrick will be sworn in for new terms by Mayor Agnos at 4:00 p.m. on Friday, December 20th.

D. Staff will be holding an in-house Christmas party beginning at 3:00 p.m. on December 20th, to which the Commissioners are invited.

E. The Commissioners were presented with draft language as requested to amend the Rent Ordinance to provide for expedited hearings, which after some corrections will be approved as to form by the City Attorney.

VIII. Old Business

- A. 499 Alabama St. M001-29A
units 107 & 123 (cont. from 12/3/91)

The Board continued their discussion of the case at 499 Alabama (Project Artaud), heard on 10/29/91. The Commissioners reviewed overpayment calculations prepared by Director Grubb and passed the following motion:

- MSC: To find that increases imposed prior to July 1985 were correct; increases over limitations imposed after July 1985 are null and void; and to accept staff's overpayment calculations as the Board's decision in this case.
(Carrico/Hammill: 5-0)

B. Ordinance Changes

The Commissioners briefly discussed submitting to the Board of Supervisors proposed Ordinance changes regarding Statutes of Limitations and Expedited Hearings. These issues will be discussed and acted on at the January 7, 1992 Board meeting.

IX. Remarks from the Public

Al Goodwin asked that the Board codify, if possible, its policy on services not provided at the inception of the tenancy that are subsequently taken away or decreased.

X. Calendar Items

December 24, 1991 - NO MEETING

December 31, 1991 - NO MEETING

January 7, 1992

3 appeal considerations

Executive Session: Personnel Matters

Appeal Hearings:

6:00 275 States St. M001-74R (post. from 12/17)

6:30 164 Hancock St. M001-48A (accpt. 12/17)

Old Business: Ordinance Changes

XI. Adjournment

President Astle adjourned the meeting at 7:45 p.m.

